

SENATE.

THURSDAY, January 7, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. PENROSE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

RENTAL OF BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 17th ultimo, a statement of quarters rented by the United States Department of Agriculture in the District of Columbia, and in the various States and Territories; which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DEPENDENT CHILDREN IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, pursuant to law, a general plan for the future care of delinquent and dependent children in the District of Columbia; which, with the accompanying paper, was referred to the Committee on the District of Columbia, and ordered to be printed.

BRIGANTINE NANCY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brigantine *Nancy*, James Brown, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented petitions of sundry citizens of West Beesport; of the congregation of the United Presbyterian Church of Dayton; of the congregation of the Presbyterian Church of Dayton; of the Christian Endeavor Society of Nottingham; of sundry citizens of Clifton Heights; of sundry citizens of Aldan; of the Home Missionary Society of Mifflinburg; of the West Park Mothers' Club, of Philadelphia, and of the congregation of the First Presbyterian Church of McKeesport, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. PLATT of New York presented a petition of the Manufacturers' Association of New York City, praying that an appropriation be made to continue and extend the improvement of the harbor channels of the Brooklyn water front; which was referred to the Committee on Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Utica, of the Woman's Foreign Missionary Society of Dansville, and of the Woman's Missionary Society of Rochester, all in the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a memorial of the State Tropical Development Company, of New York, remonstrating against the ratification of the Cuban reciprocity treaty; which was referred to the Committee on Foreign Relations.

He also presented petitions of S. T. Bartle Post, No. 183, of Cuba; of John McKee Post, No. 309, of Cambridge; of U. S. Grant Post, No. 327, of Brooklyn; of Cushing Post, No. 231, of Brooklyn; of Gibbs Post, No. 130, of Warsaw; of Post No. 200, of Angola; of Burnside Post, No. 237, of Rosburg; of Hartwell T. Martyn Post, No. 346, of Canton; of John P. Buckley Post, No. 633, of Belleville; of General Lyon Post, No. 266, of Middletown; of Captain Gibson Post, No. 421, of Winthrop, and of General John B. Murray Post, No. 597, of Phelps, all of the Department of New York, Grand Army of the Republic, in the State of New York, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. BERRY presented a petition of the Woman's Christian Temperance Union of Gillett, Ark., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. BATE presented a petition of the Shannondale Missionary

Society, of Beverly, Tenn., and a petition of the Woman's Home Missionary Society of the Methodist Church of Cincinnati, Ohio, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. STONE presented a petition of sundry merchants and manufacturers of St. Louis, Mo., praying that an appropriation be made for the extermination of the boll weevil in Texas and other Southern States; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry merchants and manufacturers of St. Louis, Mo., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. STEWART presented a petition of 89 citizens of the Indian Territory, praying for the enactment of legislation providing for the continued protection from the sale of intoxicating liquors and also for a separate statehood for that Territory; which was referred to the Committee on Indian Affairs.

Mr. BURNHAM presented petitions of the congregations of St. Luke's Methodist Episcopal Church, of Derry; the Methodist Episcopal Church of Penacook; St. John's Methodist Episcopal Church, of Dover, and of the Washington Street Free Baptist Church, of Dover, all in the State of New Hampshire, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. FOSTER of Washington presented a petition of David Ford Post, No. 11, Department of Washington, Grand Army of the Republic, of Ellensburg, Wash., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. NELSON presented a petition of John A. Logan Post, No. 64, Department of Minnesota, Grand Army of the Republic, of St. James, Minn., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Winona, Minn., praying for the enactment of legislation to reorganize the consular service; which was referred to the Committee on Foreign Relations.

He also presented a petition of the American Hoist and Derrick Company, of St. Paul, Minn., praying for the enactment of legislation to regulate the interstate transportation of freight; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the congregation of the Methodist Episcopal Church of Lake Crystal, of sundry citizens of St. Paul and Montevideo, and of the congregation of the First Methodist Episcopal Church of Little Falls, all in the State of Minnesota, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. ELKINS presented petitions of sundry citizens of Mannington, of the Woman's Christian Temperance Union of Belleville, and of the Woman's Literary Club of Wheeling, all in the State of West Virginia, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. QUARLES presented memorials of the Sailors' Union of Port Townsend, Wash.; of the Sailors' Union of Seattle, Wash.; of the Sailors' Union of Portland, Oreg., and of the Sailors' Union of San Francisco, Cal., remonstrating against the enactment of legislation to authorize the payment of allotment in the coastwise trade; which were referred to the Committee on Commerce.

He also presented a memorial of the Grain Dealers' National Association, remonstrating against the enactment of legislation providing for the inspection of grain by the National Government at terminal markets; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Polk County, Wis., praying for the enactment of legislation to increase the compensation of letter carriers in the rural free-delivery mail service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALGER presented a petition of the Ladies' Aid Society of the Second Memorial Presbyterian Church, of Detroit, Mich., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of the Lake Seamen's Union of Detroit, Mich., remonstrating against the passage of Senate bill No. 2463, entitled "An act to amend the act of December 21, 1898, entitled 'An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce,' in

respect to allotments;" which was referred to the Committee on Commerce.

He also presented a petition of the Detroit Branch of the National League of Commission Merchants of the United States, of Detroit, Mich., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Epworth League Chapter 1715, of Paw Paw, Mich., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a memorial of the Independent Plug-Tobacco Manufacturers, remonstrating against the enactment of legislation to amend section 3394 of the Revised Statutes of the United States, relating to tobacco; which was referred to the Committee on Finance.

Mr. DEPEW presented a petition of the Ministerial Association of Auburn, N. Y., praying for the adoption of an amendment to the antilottery law; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the congregation of the First Congregational Church of Troy; of the Colonia Club, of Brooklyn; of the Woman's Christian Temperance Union of Bedford; of the Tenny Club, of Rochester; of the Woman's Christian Temperance Union of Skaneateles, and of sundry citizens of Oswego County, all in the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented a memorial of the Sailors' Union of the Pacific, remonstrating against the enactment of legislation relative to the payment of allotment in the coastwise trade; which was referred to the Committee on Commerce.

Mr. DOLLIVER presented a petition of S. S. Dillman Post, No. 343, Department of Iowa, Grand Army of the Republic, of Toledo, Iowa, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of the congregation of the Methodist Episcopal Church of Irwood; of sundry citizens of Des Moines; of the congregation of the German Presbyterian Church of German Township; of the Tourist Club of West Union; of sundry citizens of Clear Lake; of sundry citizens of Marion, and of sundry citizens of Lake City, all in the State of Iowa, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. CULLOM presented a memorial of the Grain Dealers' National Association, remonstrating against the enactment of legislation providing for the inspection of grain by the National Government at terminal markets; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregation of the First Methodist Episcopal Church of Galena; of the Woman's Club of Princeton; of the congregation of the First Methodist Episcopal Church of Normal; of the Woman's Club of Princeton; of the congregation of the United Evangelical Church of Elgin; of the congregation of the German Methodist Episcopal Church, of Elgin; of the congregation of the Second Baptist Church of Elgin; of the congregation of the Advent Christian Church, of Elgin; of the congregations of the Grace Methodist Episcopal Church, of Elgin, and the Presbyterian Church of Elgin; of the congregation of the First Methodist Episcopal Church of Sterling; of the congregation of the St. Paul's Methodist Episcopal Church, of Chicago; of sundry citizens of Norwood; of the congregation of the Methodist Episcopal Church of Cissna Park; of the congregation of the Presbyterian Church of Normal; of the Home Missionary Society of Genoa; of the Missionary Society of the Christian Church of Princeton; of the congregation of the Ada Street Methodist Episcopal Church, of Chicago, and of the Home Missionary Society of Mount Carroll, all in the State of Illinois, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BLACKBURN presented a memorial of the Independent Tobacco Manufacturers, remonstrating against the enactment of legislation to amend section 3394 of the Revised Statutes of the United States; which was referred to the Committee on Finance.

Mr. BURTON presented petitions of the Fisk National Deaconesses' Training School, of Kansas City, and of the congregation of the Methodist Episcopal Church of Havensville, all in the State of Kansas, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. FRYE presented a memorial of the German Farmers' Mu-

tual Fire Insurance Association, of Muenster, Tex., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the First Presbyterian Church of Lehigh County, Pa.; of sundry citizens of Belle Plain, Kans., and of the Methodist Episcopal Preachers' Association of Cleveland, Ohio, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Indian Affairs, to whom was referred the bill (S. 335) to provide for the allotment of lands in severalty to the Stockbridge and Munsee tribe of Indians, to authorize the distribution of their trust fund, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. FULTON, from the Committee on Public Lands, to whom was referred the bill (S. 1607) granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery, reported it with an amendment, and submitted a report thereon.

Mr. DUBOIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 1537) to provide for the payment to the heirs of Darius B. Randall, deceased, for certain improvements relinquished to the United States for use of the Nez Percé Indians, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 1278) to provide for the erection of buildings for an immigrant station at the port of San Francisco, Cal., reported it without amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Commerce, to whom was referred the bill (S. 2398) to amend an act entitled "An act to amend the laws relative to shipping commissioners," approved August 19, 1890, and for other purposes, as amended February 18, 1895, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report accompanied by a bill (S. 3118) to amend the act approved February 18, 1895, entitled "An act to amend an act entitled 'An act to amend the laws relative to shipping commissioners,' approved August 19, 1890, and for other purposes;" which was read twice by its title.

Mr. FOSTER of Washington, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2698) to establish a life-saving station at or near the entrance to Tillamook Bay, Oregon;

A bill (S. 2815) authorizing the Secretary of the Treasury to fix the salaries of the deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, and repealing all laws inconsistent therewith; and

A bill (S. 347) providing for the establishment of a life-saving station in the vicinity of Cape Flattery or Flattery Rocks, on the coast of Washington.

Mr. FOSTER of Washington, from the Committee on Commerce, to whom was referred the bill (S. 2816) to amend section 3095 of the Revised Statutes of the United States, reported it with an amendment to the title, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 2263) to require the employment of vessels of the United States for public purposes, reported it without amendment, and submitted a report thereon.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (S. 2388) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902, reported it without amendment, and submitted a report thereon.

SUSAN ELIZABETH CURTIS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. PLATT of New York, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Susan Elizabeth Curtis, widow of Oscar H. Curtis, late clerk in the office of the Secretary of the United States Senate, a sum equal to six months' pay at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

BILLS INTRODUCED.

Mr. ALGER introduced a bill (S. 3119) granting a pension to Raynor H. Newton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3120) granting an increase of pension to Elvira A. Kelley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 3121) for the relief of Spiegelberg Brothers; which was read twice by its title, and referred to the Committee on Claims.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3122) granting an increase of pension to Elias Thomas;

A bill (S. 3123) granting a pension to Oscar M. Parsons; and

A bill (S. 3124) granting a pension to Samuel Richards.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3125) for the relief of Andrew J. Holley;

A bill (S. 3126) for the relief of St. Clair Nicely; and

A bill (S. 3127) for the relief of G. W. Ratleff.

Mr. ELKINS introduced a bill (S. 3128) for the relief of Stephen A. West; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3129) to promote the circulation of reading matter among the blind; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PROCTOR introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 3130) granting an increase of pension to Nathan P. Bowman;

A bill (S. 3131) granting an increase of pension to Clarke M. Smith; and

A bill (S. 3132) granting a pension to Sue A. Brockway.

Mr. STEWART introduced a bill (S. 3133) to restore to the public domain a portion of the Gila River Indian Reservation, in the Territory of Arizona, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BERRY introduced a bill (S. 3134) for the relief of Thomas D. Ruffin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FAIRBANKS introduced a bill (S. 3135) granting an increase of pension to David S. Durbin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3136) granting an increase of pension to William A. Cowen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 3137) to correct the naval record of Henry Borrowes; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3138) to increase the compensation of inspectors of customs at the port of Philadelphia; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3139) granting an increase of pension to Joseph N. Croak, alias Joseph N. Croke;

A bill (S. 3140) granting an increase of pension to L. F. Walters;

A bill (S. 3141) granting an increase of pension to Charles E. Tipton (with an accompanying paper); and

A bill (S. 3142) granting a pension to Isabella Britton (with an accompanying paper).

Mr. MITCHELL introduced a bill (S. 3143) to refer to the Court of Claims the war claims of the State of Oregon; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3144) for the relief of Capt. George A. Armes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DEPEW introduced a bill (S. 3145) for the relief of Caleb W. Durham; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3146) to provide United States registry for the steamer *Success*; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

He also introduced a bill (S. 3147) to provide United States registry for the steamer *Marie*; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. KEARNS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3148) granting an increase of pension to John C. Testman;

A bill (S. 3149) granting an increase of pension to Charles Bowering (with an accompanying paper);

A bill (S. 3150) granting a pension to Jacob A. Ward; and

A bill (S. 3151) granting an increase of pension to Hayden M. Thompson.

Mr. KEARNS introduced a bill (S. 3152) to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 3153) granting an increase of pension to John O. Rice; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3154) granting an increase of pension to Elizabeth A. Coffee; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 3155) to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3156) in relation to the establishment of building lines in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3157) in relation to business streets in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLATT of Connecticut introduced a bill (S. 3158) granting an increase of pension to Stiles A. Wheeler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 3159) granting an increase of pension to Neil Gillespy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 3160) for the relief of Stephen W. Stryker; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3161) granting a pension to Sarah M. C. Silvers (with an accompanying paper);

A bill (S. 3162) granting an increase of pension to Melvina Bottles (with accompanying papers); and

A bill (S. 3163) granting an increase of pension to Matthew S. Austin (with accompanying papers).

Mr. BALL introduced a bill (S. 3164) for the relief of Albert S. Henderer; which was read twice by its title, and referred to the Committee on Claims.

Mr. DUBOIS introduced a bill (S. 3165) amending section 3 of the act of June 5, 1900; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BURNHAM introduced a bill (S. 3166) granting an increase of pension to Levi B. Lewis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 3167) granting an increase of pension to Oscar R. Arnold; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 3168) making an appropriation for the improvement and beautification of the grounds within the Presidio Military Reservation, at San Francisco, Cal.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TELLER introduced a bill (S. 3169) to remove the charge of desertion from the military record of William Cameron; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3170) to quiet the titles of certain lands in the State of Mississippi, and for the relief of the estate of Eli Ayers, deceased; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3171) to amend "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, as amended April 1, 1896, and March 2, 1903; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (S. 3172) granting a pension to John Smith;
- A bill (S. 3173) granting an increase of pension to Joel R. Harvey;
- A bill (S. 3174) granting a pension to Jane Lewis;
- A bill (S. 3175) granting an increase of pension to Rachel H. Coleman (with accompanying papers); and
- A bill (S. 3176) granting an increase of pension to David Bowlers (with an accompanying paper).

Mr. BACON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

- A bill (S. 3177) for a public building at the city of Thomasville, Ga., and appropriating money therefor;
- A bill (S. 3178) for a public building at the city of Albany, Ga., and appropriating money therefor; and
- A bill (S. 3179) to provide for the purchase of a site and the erection of a public building thereon at Americus, Ga., and appropriating money therefor.

Mr. CLAY introduced a bill (S. 3180) to provide for the erection of a public building at Atlanta, Ga.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McCREARY introduced a bill (S. 3181) for the relief of William R. Ballard; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURTON introduced a bill (S. 3182) to pay certain Choctaw (Indian) warrants held by James M. Shackelford; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3183) granting an increase of pension to Richard J. Graham; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3184) for the purpose of pensioning all soldiers, sailors, and marines in the service of the United States of America from 1861 to 1865, who were prisoners of war for two months or longer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3185) to correct the military record of Capt. Henry Inman; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3186) to pay the Georgia Railroad and Banking Company for carrying the United States mails, and for other purposes; which was read twice by its title, and with the accompanying papers, referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 3187) for the relief of the heirs of William Hunt, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (S. 3188) granting an increase of pension to Nathaniel Peck (with an accompanying paper);
- A bill (S. 3189) granting an increase of pension to Catherine Hendricks;
- A bill (S. 3190) granting an increase of pension to James H. Troutman (with an accompanying paper); and
- A bill (S. 3191) granting an increase of pension to Benjamin F. Watts (with an accompanying paper).

FANNIE HAY MAFFIT—WITHDRAWAL OF PAPERS.

On motion of Mr. BERRY, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Fannie Hay Maffit accompanying Senate bill 2950, Fifty-seventh Congress, first session, there having been no adverse report thereon.

LOUISIANA PURCHASE EXPOSITION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on Industrial Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Acting Secretary of State covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of November, 1903, together with a summary of the receipts and disbursements of the company from its incorporation to November 30, 1903, furnished by the Louisiana Purchase Exposition Commission in pursuance of section 11 of the "Act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory," etc., approved March 3, 1901.

WHITE HOUSE, January 7, 1904.

THEODORE ROOSEVELT.

SECESSION OF PANAMA.

The PRESIDENT pro tempore. Is there further morning business? [A pause.] The Chair lays before the Senate the following resolution.

The Secretary read the resolution submitted by Mr. MORGAN December 18, 1903, as follows:

Resolved, That neither the President nor the President and the Senate, as the treaty-making power of the United States, has the lawful power to wage or declare war against any foreign power, without the consent of Congress, when such country is at peace with the United States, and when its diplomatic relations with the United States are unbroken, and when its diplomatic representatives are recognized by the President as the representatives of a friendly power. And the consent of the Senate, as a part of the treaty-making power, to a war waged by the President against such a nation, under such circumstances, can not confer upon him such lawful authority under the Constitution of the United States, or under the laws of nations, or under the neutrality laws of the United States.

Second. That a state of war exists between Colombia and an organization in the Colombian Department of Panama that claims to have accomplished the secession of Panama from Colombia, and to have established its independence and sovereignty through the recognition of the President of the United States and of some European and Asiatic states; and that claims, also, to have established a republic under the flag and the name and title of the Republic of Panama. And Colombia refuses to recognize the validity of the act of secession, and the independence or the sovereignty of any government so organized on the Isthmus of Panama, and is engaged in military and naval operations to assert and enforce her claim of the supreme right of government in and over the territory described in her laws and constitution as the Department of Panama.

Third. That if Colombia is not prevented by some powerful foreign nation she is manifestly able to maintain her present effort to repress the said secession organization and to restore her sovereignty over said Department of Panama. And the President of the United States, having entered into treaty relations with the persons who claim to have seceded from Colombia and assert the powers of supreme government in and over the territory included in such Department of Panama, and having made agreements with the secessionists relating to the right and privilege of constructing and owning, in perpetuity, a ship canal across the Isthmus of Panama, all based on the following stipulation, namely:

"The United States guarantees and will maintain the independence of the Republic of Panama."

Said stipulation is in effect a declaration of war with Colombia, and is not within the limits of any power conferred upon the President by act of Congress or the Constitution or by the laws of nations.

Fourth. That the President has no lawful right or power, without the consent of Congress, and under the conditions that exist in Panama, to use the military and naval forces of the United States to prevent Colombia from enforcing her claim to the proper exercise of her sovereignty and to execute her laws in the Department of Panama by any form of coercion that is consistent with the laws of nations, and is not in conflict with any right of the United States.

Fifth. That the Senate repeats its resolution of 1889 in the following words: "*Resolved, etc.*, That the Government of the United States will look with serious concern and disapproval upon any connection of any European government with the construction or control of any ship canal across the Isthmus of Darien or across Central America, and must regard any such connection or control as injurious to the just rights and interests of the United States and as a menace to their welfare."

Sec. 2. That the President be, and he is hereby, requested to communicate this expression of the views of the Government of the United States to the governments of the countries of Europe.

Sixth. That the United States, in the Revised Statutes, has defined neutrality and the penalties for its violation, as follows:

"Sec. 5286. Every person who, within the territory or jurisdiction of the United States, begins, or sets on foot, or provides or prepares the means for any military expedition or enterprise to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding \$3,000 and imprisoned not more than three years."

The intervention by the President, with armed forces of the United States, and without the authority of Congress, to prevent the exercise of military or civil authority by Colombia, with whom we are at peace, for the assertion or exercise of her sovereignty and the enforcement of her constitution and laws over the Department of Panama, is contrary to said law of neutrality enacted by the Congress of the United States and is contrary to the laws of nations.

Mr. MORGAN. In the course of the debates that have taken place, Mr. President, in connection with this resolution almost nothing has been said about its merit, and no Senator has controverted the merits of any proposition that is advanced in any branch of the resolution. So if a vote comes to be taken on it, whether now or later, whether before or after events that are pending in the executive session of the Senate are determined, I propose to have a separate vote by the yeas and nays upon each branch of the resolution. I wish to know whether the American Senate now affirms the principles of government in connection with the recognition of foreign countries which have obtained in this country from the foundation of the Republic as an organized government, and which are strictly and peculiarly the enunciation of the American doctrine on that subject.

At the commencement of our constitutional organization the European governments had not agreed as to the doctrines of neutrality and intervention.

Mr. CULLOM. If the Senator will allow me, when he began to speak my attention was diverted and I did not hear the subject the Senator proposes to discuss.

Mr. MORGAN. It is the resolution I have offered, and which has been pending before the Senate for nearly a month.

Mr. CULLOM. There are, I believe, two or three resolutions the Senator has offered.

Mr. MORGAN. No, sir; it is resolution No. 66, which contains certain propositions of fact and law in five or six different sections, upon which I propose to ask for a vote of the Senate by yeas and nays whenever the question is reached.

Mr. CULLOM. I will not interrupt the Senator further. I will get the resolution and see what it is.

Mr. MORGAN. Mr. President, in the learned argument of the Senator from Massachusetts [Mr. LODGE] in defense of the action of the President in his dealings with Panama and Colombia as they are presented to Congress in his annual message and his special message to Congress of January 4, 1904, there is a wide and superfluous presentation of authorities from various sources based upon various and different states of fact.

The honorable Senator has found cases and opinions in point upon almost every imaginable situation and condition except the one he is endeavoring to sustain. He has found no case similar to that presented in these messages, after most laborious research, following closely, but more comprehensively, the arguments and some of the citations employed by the President in his message of vindication of January 4, 1904.

Every authority cited by the Senator may be safely admitted as being important with reference to the facts and conditions in respect of which it is written, though some of them are only opinions expressed in controversial discussion, and yet none of them solve or elucidate the questions presented on the facts stated in these messages, or the facts not stated in them, that are also of great importance and are of common knowledge.

The Senator insists, and I agree, that every case of recognition of the new Government depends for its justice upon the condition in which that Government is found at the time of the recognition.

I will here take occasion to remark that the time of recognition and the conditions which existed at that time constitute a state of facts upon which recognition is either justifiable or it is not.

If a new or different form of government is set up by revolution within a state with which we have diplomatic relations, or by a new dynasty within such state, or by a complete change of the personnel of the ruling or governing authorities, the President, as the diplomatic or international representative of the United States, can make effectual recognition, so as to place an obligation, which is not conclusive but is *prima facie* binding, on the other two departments of our Government—the judicial and the legislative. We have but three departments, and I make my argument with reference to that distribution of power.

Its obligation as to Congress depends upon their acceptance of the effect of such recognition upon the political condition of the United States, the existing laws, and upon the general welfare of the people, but the recognition is effectual as a declaration of a political status that the courts will respect until Congress, in some legislative proceeding, has otherwise declared.

The reason why Congress may thus reverse a recognition made by the Executive, even in a case of the clearest right of the President to make it, is the fact that Congress has and exercises the supreme and paramount political power of the United States in all matters that are controlled by Federal law where the Constitution does not otherwise provide.

The nation is a unit, as to its sovereignty, in respect of all foreign relations and affairs, and Congress is the supreme representative of that unit in foreign affairs, because it can declare war, enlist and support armies, and create and maintain navies with which to defend the country or enforce its authority against foreign nations, including the enforcement of treaties by war.

None of these things can be done by any other department of the Government of the United States, and that settles the question as to the supremacy.

As to the recognition of new states, created by secessions from existing states with which we are at peace, with which we hold full diplomatic relations, and of the legal effect and binding obligation of the recognition by the President of the lawfulness of such states, the scope and effect of his powers and his duties are of quite a different character.

The Senator from Massachusetts has adroitly omitted to notice this manifest distinction in his learned disquisition, and quotes authorities to support the powers of the President in recognizing a mere change of government in an existing state already recognized by our Government in accordance with our Constitution and laws, and applies them to the case of a new state that our Government has not recognized, which has been torn away from the territory of an old state that our Government has fully recognized.

This adroit confusion of authorities, cited in support of his argument, is particularly noticeable in his discussion of the meaning and effect of the recognition of a *de facto* government. He applies the principle of *de facto* recognition to the building up and establishing of the independence of seceding governments

that are only applicable, under the authorities he has cited, to governments already established, already declared free, sovereign, and independent, and already engaged in full diplomatic relations and intercourse with the United States.

In such stable and recognized governments the question of their actual existence and organization and of their freedom, sovereignty, and independence never arises when the President is called by his sense of duty to our own people, or of respect for the people of the existing state, to recognize the transference of the powers of government into new hands or to recognize the adoption of new principles or plans of government. Such changes are recognized by the President in such cases for purposes of our own security or convenience. A *de facto* government in France during the revolution was the Government of the people of France and was their ruling power while it lasted as fully as the old monarchy had been; still it was not a government with full and unquestioned sovereignty. It was a *de facto* government possessing many of the powers of a *de jure* government, the exercise of which created valid, legal conditions that survived its downfall, because it was, for the time, the actual possessor of the sovereign municipal powers of France as a state or nation, making the distinction between the internal sovereignty of a country and its sovereignty in respect of its relation to a foreign power.

In that sense such governments within an established state are sometimes called governments *de jure*; but when the government is exercised over a territorial department torn from an established government, the elements of its organization, independence, and sovereignty remain to be established by future events, by facts, as the Senator from Massachusetts requires, and in that case none of these elements are included or created by their recognition as a government *de facto*.

They must be so established by the seceding party before the President of the United States can make his recognition of them as free, sovereign, and independent states binding upon Congress as the lawmaking power or upon the Senate as the treaty-making power. He can not create a state of facts that does not exist, nor can he impose an estoppel upon Congress or the Senate against an inquiry as to the actual situation.

In establishing its independence and sovereignty the seceding state can accept the aid of other governments or make alliances with them, but such governments can not hold the attitude of neutrals toward the mother government while they are in alliance with the seceding state. The seceding state, as a *de facto* government, may do many lawful acts toward the people within its command, and other governments that recognize their *de facto* existence may hold commercial intercourse with them not prohibited by the laws of war without giving to the mother government just cause for offense.

But aid given by the President of the United States to the seceding state to support its withdrawal from the sovereignty of the mother government violates the *de facto* acknowledgment of the existence of such a government, so that it is in no sense obligatory on any other department. It is unlawful under our neutrality laws, and is therefore a void act.

Neutrality, under the laws of nations, is the indispensable predicate and requirement that gives effect to any recognition of a government *de facto* or *de jure* by a third power. In the United States this is also the statute law.

Such an acknowledgment is a distinct pledge of neutrality between the seceding state and the mother government; and when it is accompanied with any act or purpose of giving aid or protection to the seceding state against the mother government it is intervention; and if a state of hostilities exists between the adverse powers such intervention is war.

In the neutrality defined by statute in 1794, on the earnest entreaty of President Washington, we have the true statement of the American law on that subject, which no citizen of the United States is permitted to violate.

Our Government was the first to crystallize into positive law the teachings of the great commentators on neutrality, who have been engaged in its development since the time of Grotius; but the great publicist had been met and defeated by the leading European powers whenever that high moral duty of nations stood in the way of their struggles for territorial aggrandizement.

The American Revolution, while it was aided in its war of independence by the active intervention of France and Holland, developed the necessity for the declaration of the law of neutrality that was enacted in 1794, amended and reenacted in 1818 and again in the Revised Statutes.

No legislative act of Congress ever gave to our country a higher place among the nations or conferred upon mankind greater blessings than our laws of neutrality.

They have become the laws of nations, in fact, that all governments appeal to for the preservation of their territorial sovereignty and the peace of the world.

Self-denial, justice, and good will toward nations and men and nonintervention in the affairs of other nations for causes that are selfish and covetous are the commandments that our neutrality laws enjoin upon our Government, and we violate the earliest and noblest injunctions of our fathers and disappoint their highest hopes when, in the name of neutrality, we practice armed intervention. When a canal concession is the purpose that we intend to accomplish in the recognition of a government de facto or de jure at Panama, we make our Government a party to the conflict between Colombia and Panama.

Among the authors who have studied the history of all great modern nations on the subject of national recognition, I know of none whose statements and teachings are more worthy of confidence than those of Frederick W. Faxon, fellow in history of the University of Pennsylvania. He has studied all the authorities cited in the argument of the Senator from Massachusetts and many other original papers to which few have had access, relating to the action of many modern and ancient governments on the subject of neutrality and intervention, and has recorded the settled law and usage in a way that no student of public and international law will rashly dispute.

I will present some extracts from his recent work on *The Independence of the Southern Republics*, on which I stand in this discussion, as the settled law of the United States:

The absence of any well-developed theory of neutrality before the United States came into existence to render that service prevented the establishment of a theory of recognition, for this latter is strictly dependent upon the former.

The value of an instance of recognition as a precedent depends upon its nonpartisan character. It "is a matter which from its nature precludes any equivalent whatsoever. Either there is a reason for it, and it ought to be demanded as a right, or it can not be asked for, and to grant extraordinary concessions as the price of obtaining it is to give them merely in return for the name and to change the substance for the shadow." But this view of the subject had not been taken in 1776. The United States had no hesitation in offering a price for what they truly considered an effective service, though it was concealed under the name of recognition.

According to the resolution of the King "to prevent their reunion with the mother country," treaties of alliance and commerce were signed at Paris on the 6th of February, 1778. In these is found the first recognition of the United States as independent. In the words of the French ambassador, as he announced the treaties to the Court of St. James, there is an insolence so colossal as to be almost admirable. In making this communication to the Court of London the King is firmly persuaded that it will find in it fresh proofs of His Majesty's constant and sincere dispositions for peace, and that His Britannic Majesty, animated by the same sentiments, will equally avoid everything that may interrupt their harmony, and that he will take, in particular, effectual measures to hinder the commerce of His Majesty's subjects with the United States of North America from being disturbed, and to cause to be observed in this respect the usages received between trading nations and the rules that may be deemed subsisting between the Crowns of France and Great Britain.

I think Mr. Hay must have found in that declaration of that French diplomat the idea, if not the language, of his address to Colombia, informing her of the neutrality, good will, love, and affection of this Government, which was broken up by this affair at Panama, which he felt bound after all to disavow. He begged Colombia on his knees for peace for Panama; he went to the mother government, humbled himself there, and importuned for peace when he knew that the mother government could not effect peace in Panama unless he would withdraw his navy.

But nothing was clearer in the minds of all concerned than that this recognition was an act of war; that the colonies, in spite of their declaration, were not in fact independent, and that it was the interest of France rather than regard for any rights of the insurgents that inspired the act. "I knew very well," wrote a French ambassador from Madrid a few years later, "that one could not count on the gratitude of the United States, but that, however, repeated and recent favors formed ties which it would be at least difficult to break suddenly, and especially at the very period of their enjoyment."

Among the peripatetic agents appointed by Congress to the courts of Europe was William Lee, who was commissioned in the summer of 1777 to Vienna and Berlin. Proceeding to the latter post, in spite of the protests of the Prussian minister in the fall of 1778, he was stopped by the outbreak of war between Prussia and Austria. He retired to Frankfurt to await its outcome, and there amused himself by negotiating a treaty, unauthorized on his side and unconstitutional on theirs, with the pensionary and burgomasters of Amsterdam.

It was an unfortunate transaction. His fellow-commissioners at Paris snubbed him well for the assumption of authority; and the draft of the treaty, captured at a later time among the papers of Henry Laurens, was made a casus belli by the English, notwithstanding every effort by the Dutch to disavow it. Holland, in spite of herself, was driven into war on account of that negotiation.

The value of a precedent in recognition, it has been said, depends on its nonpartisan character. It also depends to a considerable degree upon the attitude of the mother country, for it is only before the mother country has brought herself to acknowledge the independence of her former territory that there can be any question as to the propriety of the recognition.

Between the time of the declaration of independence, which in the case of the United States was the 4th of July, 1776, and the recognition of the same by the parent state, which in the same case occurred at the signature of the preliminary articles on the 30th of November, 1782, the third power in recognition must consider two things—the fact of independence and the nature of its relations with the belligerents. If the former of these does not manifestly exist—and in the case under discussion it did not—none can question the right in a moral way of the mother country to consider the recognition as premature and an act of war.

Colombia still has some rights in the world under the law of

nations. She is still 4,500,000 strong. She still has a territory larger than the State of Indiana. She still is recognized by all the governments of the earth as a free, sovereign, and independent power, and not only by all other governments, but by this Government. We have to-day full, unabridged, unrestricted diplomatic relations with Colombia. So she is the mother government of this Panama Republic, and we are not in any sense, according to Mr. Varilla's statement, deprived of responsibility, either in fact or by the adoption of that Panama Republic, unless we have created it by our own act. But this mother government of Colombia has the right to say to us—and that is the point we are on—that these conditions of power, of self-support, of waging military measures to protect its independence or its alleged independence, and the power of governing the people within its own domain have been thwarted by our interference. Panama has no code except that of Colombia to govern it.

The power to change those laws and all the vast retinue of powers that belong to a free and sovereign government do not exist in Panama. Surely that did not exist on the 18th of November, 1903. Therefore Colombia has the right, under the law of nations, to consider the recognition as premature and—what? An act of war. That is her right. Whether she ought to exercise it is a different matter; whether she would be foolish if she attempted to exercise it is a different matter; but this right as yet stands unimpeached and unabridged under the law of nations.

I quote again from Faxon:

Thus the recognition by France and, in a less degree, that by Holland, for she refrained from acting until Britain had shown her own hand, were interventions dictated by self-interest in one form or another.

If the interests of the third power are of such a nature as not to be affected by the struggle, she is not likely to be led into a premature recognition, or into any recognition, until the mother country, by her own action, has renounced her pretension to sovereignty over the new state by acknowledging its independence, and as Great Britain did before we had actually whipped her.

Cases of recognition will have great value in establishing the international law upon the subject only when the mother country delays this renunciation beyond a reasonable time, so that third powers feel that they must recognize the fact of independence in justice to themselves and to the new state.

Mr. SPOONER. Mr. President—

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. SPOONER. Only for a question.

Mr. MORGAN. Yes.

Mr. SPOONER. I do not know that I understood the Senator correctly, but I understood him to say that the Republic of Panama was not entitled to recognition by our Government until she had been recognized by Colombia.

Mr. MORGAN. I said that if this Government recognized Panama prematurely, Colombia would have a right to consider that as an act of war. That is what I said.

Mr. SPOONER. That I understand.

Mr. MORGAN. That is all I said.

Mr. SPOONER. I understood the Senator differently.

Mr. MORGAN. No; the Senator was mistaken.

No valuable precedent in recognition occurred during the American Revolution or could have occurred, for Great Britain acted promptly herself and acknowledged the independence of her former colonies at a time when the fact of their independence was not a matter beyond dispute and when her own hopes were in no means destroyed, in spite of her loss of a considerable army.

No recognition before November 30, 1782, could have been other than an intervention; none after that time can be considered of importance save as an indication of European policy and commercial necessity. Before the Administration of Washington began only three other European states had seen fit to open formal and regular relations with the United States, and only two of them concluded treaties.

The most serious diplomatic problem that had yet presented itself to the Administration of George Washington rose when the French Revolution passed from the municipal stage into the international. The events of 1792, bringing down upon France the wrath of Europe, aroused in the United States a feeling of sympathy that might well have influenced a government to make more of its treaty obligations to the distressed country than the Washington Government showed itself disposed to do.

But Washington was profoundly impressed with the need of the United States for a long period of uneventful development. As the wars broke out he saw clearly how little they had to offer the United States and how greatly they would check her growth if she allowed herself to become involved in them. Realizing these dangers, he had little difficulty in convincing himself that the obligations of the treaty of 1778 with France did not apply to the conditions of 1792, and that the duties of the United States coincided with her interests in prescribing a policy of strict neutrality.

The new French Government itself almost drove Morris to leave Paris. Without specific instructions he declined to pay the installments on the American debt to the Republic as they came due, and a letter of Le Brun, insisting strongly on the identity of France, whatever her domestic form, induced him to demand his passports.

What about this debt due from the Panama Railroad Company to Colombia of \$250,000, which has been hitherto paid in weekly installments of a little over \$6,000? Can we assert the doctrine here upon what took place on the 3d or 4th of November, or on the 18th of November, that we have relieved by our act the Panama Railroad Company from the obligation to pay that money to Colombia?

Is it expected that an American court, when suit is brought to recover that money against this American corporation, will ever be found to say that what had taken place on the 3d or 4th of November in Panama, and the negotiation between M. Bunau-Varilla and Mr. Hay on the 18th of November, transferred the right to that debt, so that after that the railroad company was authorized to pay it to Panama instead of to Colombia, and that Panama could give a full acquittance in law for that debt? Is that ever expected to take place in this country?

This action of Mr. Morris in refusing to pay the American debt to the new Government of France provoked an explanatory note from the French minister, so that the demand was withdrawn.

What was that French Government in the days of the Revolution as compared with the strength and power of the Panama Government on the 3d or 4th of November or on the 18th of November? And yet that powerful French Government, in the midst of a revolution that had set fire to all France, to all of Europe, and to all the world, withdrew its demand for the payment to it of the money that we had borrowed from the monarchy.

"As to my personal opinions," wrote Morris, in consenting to remain, "they are unimportant in an affair so serious, but you may be persuaded that I have never doubted the right which every people have of forming, to themselves, such governments as they please."

Admitting fully that right, as any American engaged in the Revolution would have admitted it, he still denied to this Government of France, a de facto government surely, the right to receive the money that we owed to the French State. He said: "You can not give a satisfactory acquittance of this debt, and we have got to wait until something happens that gives you the control of the sovereign power of France, to which we are responsible for this debt."

He was much relieved when Jefferson, on learning of the suspension of the French constitution, wrote him instructions that approved his actions. "During the time of this suspension and while no legitimate government exists, we apprehend that we can not continue the payments of our debt to France, because there is no one authorized to receive it and to give us an unobjectionable acquittal." Until further orders, Morris was directed to suspend payments, with the understanding that "this suspension [shall not] be continued one moment after we can see our way clear out of the difficulty into which their situation has thrown us."

These facts and conclusions have the support of the best authorities quoted by the Senator from Massachusetts, and I will again read the most important of them to the Senate.

I feel indebted to the Senator for furnishing the authorities on which I rely to meet and overturn the arguments and conclusions that have cost him, and doubtless many of the scribes of the State Department, many days and nights' weariness and hard labor.

I am glad to note that the learned Senator has so intimately connected neutrality with the right to recognize a government de facto or de jure in the following statement, which I will read:

I think, Mr. President, we may accept it as settled by all the writers on international law, as a general proposition, that a revolted state or colony may under certain circumstances be recognized as sovereign and independent by a neutral nation without thereby necessarily departing from an attitude of strict neutrality or giving just cause of offense to the parent state. The conditions necessary before such a recognition of independence is proper have been clearly defined by competent authorities.

He there associates together recognition and neutrality, one entirely dependent for its virtue and even for its decency upon the combination of neutrality with recognition whenever it is made. If he had added that, in the absence of neutrality, recognition is intervention, he and I would be in full accord and would be happily sustained by the quotations I have made from Mr. Paxson's work.

The next quotation from the speech of the Senator, in which I fully concur, is from Lawrence's Wheaton, page 48, note 19:

Before a formal recognition by sending ambassadors and entering into treaties by foreign powers there should be a practical cessation of hostilities on the part of the old state which may long precede the theoretical renunciation of her rights, and there should be a consolidation of the new state so far as to be in a condition of maintaining international relations with other countries, an absolute bona fide possession of independence as a separate kingdom, not the enjoyment of perfect and undisturbed tranquillity—a test too severe for many of the oldest kingdoms—but there should be the existence of a government acknowledged by the people over whom it is set, and ready to prove its responsibility for their conduct when they come in contact with foreign nations.

That is the Senator's definition which I adopt. I must not, however, omit from the list of authorities quoted by the Senator one that I adopt as presenting in so strong a light the contrast between an American government that had a cautious regard for the duty and honor of the country and the action of the present Government in Panama, that I wonder what estimate he places on the party obligations of the majority in the Senate, who follow the President in the doctrines announced in his messages and in his law-defying course which he attempts to justify.

John Quincy Adams, with a soul on fire for the independence of the South American states, held them to the strict law as to the right of recognition for eleven years, and then put upon record the following statements of the laws of nations under which he found his justification, which I will again lay before the Senate.

I read this as a very high authority, quoted by the Senator

from Massachusetts, which establishes all that I claim, as to the law of nations and as to the rules of propriety in its application:

"We had not"—

He says—

"either directly or indirectly, excited the insurrection. It had been the spontaneous act of the inhabitants and the natural effect of causes which neither the United States nor Europe could have controlled. We had lent no assistance to either party; we had preserved a strict neutrality. But no European government could be surprised or displeased that in such a cause our wishes should be in favor of the success of the colonies or that we should treat as independent powers those among them which had in fact established their independence."

Mr. Adams, Secretary of State, in a note to Mr. Monroe, President of the United States, of August 24, 1816 (MSS. Monroe Papers, Dept. of State), defines in the following manner the conditions which would lead the United States to recognize the independence of a foreign government or nation:

"There is a stage in such [revolutionary] contests when the party struggling for independence has, as I conceive, a right to demand its acknowledgment by neutral parties, and when the acknowledgment may be granted without departure from the obligations of neutrality. It is the stage when the independence is established as a matter of fact so as to leave the chance of the opposite party to recover their dominion utterly desperate. The neutral nation must, of course, judge for itself when this period has arrived."

Practically the same doctrine is found in a note of Mr. Jefferson, Secretary of State, to Mr. Morris, November 7, 1793 (MSS. Inst. Ministers).

Of this the Senator quotes only a part. The other part, I think, would have disappointed the President's argument very badly.

"It accords with our principles"—

He says—

"to acknowledge any government to be rightful which is formed by the will of the nation substantially declared."

Mr. Adams had given a statement as to what "substantial" means.

So, in a note to Mr. Anderson of May 27, 1823 (MSS. Inst. Ministers), Mr. Adams, Secretary of State, restates his position on this question.

"When a sovereign"—

He says—

"has a reasonable hope of maintaining his authority over insurgents the acknowledgment of the independence of such insurgents would be an international wrong. It is otherwise when such sovereign is manifestly disabled from maintaining the contest."

I can not help saying here that everybody in the United States knows that if to-morrow the fleets and the marines of the United States were drawn away from Panama, or if they had orders to confine themselves to operations along the actual line of commercial transit, the railroad, Colombia would march in there and capture those eight men who organized that Government and all of their followers—the Caribs, Chinamen, Indians, and negroes—and drive them out of the Isthmus or compel them to subjection to law.

In such an attitude as that, Mr. President, the United States Government would have an honorable position; it would have a position in accordance with its treaty of 1846, in accordance with the laws of nations, in accordance with the teachings of George Washington and those of his contemporaries which I have read, and in accordance with the teachings of John Quincy Adams, who, perhaps, studied this question more profoundly than any other man in America has ever done, for the reason that for the large part of those eleven years when he withheld the recognition of the United States from the South American republics he was attacked politically and furiously by that magnificent orator and great statesman, Henry Clay, of Kentucky.

Mr. President, I do not choose to follow the Senator in his further learned and elaborate quotations, none of which dispute the principles of law by which the Government is bound and to which it has adhered in every case that we have dealt with until the matter now under consideration as to the Republic of Panama. In this matter we have departed from them all, and we have got to reverse them all before we can find in constitutional or public law reasons on which to base the present attitude.

The vast learning with which he arrays authorities that are mere repetitions of those as to which he and I are agreed, as above stated, has only a tendency to confuse the few and very clear principles to which we both consent. The value of the text in this case certainly is in the application.

Is it conceivable that President Washington would have permitted a Secretary of State to send the arrogant and threatening messages that Mr. Hay sent to the Colombian Congress in 1903, or that he would have failed to inform Colombia that there was a conspiracy in Bogota as early as August, 1903, to bring about the secession of Panama if the Hay-Herran treaty failed of ratification, or to inform Marroquin that the Colombian Congress should act with perfect freedom on that question, and inform the conspirators that the United States would enforce the treaty of 1846 and protect the sovereignty of Colombia over Panama?

Would President Washington have put the two messages of President Roosevelt, in substance or in words, into the thirteenth article on the rights and duties of the United States as a neutral nation, which he submitted to his Cabinet on the 22d of April, 1793?

Can any American conceive of President Washington, under like circumstances, directing his Secretaries of State and of the

Navy to issue the dispatches that were sent to the different officers at Panama and Colon on the 3d, 4th, and 5th of November, 1903?

I can not take the time, nor have I the desire even, to examine the purport of those dispatches. I do not think that any American can read them with pride or pleasure, especially the dispatch in which the Secretary of State directs Felix Ehrman to recognize the junta at Panama as a de facto government of the Department of Panama, which is styled the Republic of Panama.

As this act is the essence of the whole unlawful drama on which the entire case depends, I will compare it succinctly with the laws of recognition and neutrality I have already discussed, as to which the Senator from Massachusetts is in agreement with me.

I am especially gratified that the Senator from Massachusetts, who is said to hold the same relations toward President Roosevelt that Edward Livingston was said to hold toward President Jackson, has selected from the many, far more incisive, and definite declarations of that great and honest man the following concise statement of the duty of our Government in the recognition of new states.

We gain a breath of satisfaction and some confidence that the country will not be abandoned to new and perilous experiments in the whirl and turmoil of rough-rider diplomacy and rapid-fire military intervention, when the Lodge of this Administration emulates the Livingston of Jackson's Administration and quotes, approvingly, the following wise, honorable, and statesmanlike declarations of duty and of propriety of action from the message of General Jackson, and the not less dignified and careful analysis of our powers, which he quotes from a report of Henry Clay to the House of Representatives:

President Jackson, in his message to Congress of December 21, 1836, said: "Nor has any deliberate inquiry ever been instituted in Congress or in any of our legislative bodies as to whom belongs the power of originally recognizing a new state; a power the exercise of which is equivalent under some circumstances to a declaration of war; a power nowhere especially delegated and only granted in the Constitution as it is necessarily involved in some of the great powers given to Congress, in that given to the President and Senate to form treaties with foreign powers and to appoint ambassadors and other public ministers, and in that conferred upon the President to receive ministers from foreign nations."

In the preamble to the resolution of the House of Representatives (the resolution referred to is as follows: "That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information should be received that it had in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power") it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view on the ground of expediency I am disposed to concur, and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the Executive either apart from or in conjunction with the Senate over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and the legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the Constitution and most safe that it should be exercised, when probably leading to war, with the previous understanding with that body by whom war can alone be declared and by whom all the provisions for sustaining its perils must be furnished.

On June 18 of the same year, and referring to the same matter of the independence of Texas, Mr. Clay, in a report from the Senate Committee on Foreign Relations (S. Doc. No. 406, 24th Cong., 1st sess.), said:

"The recognition of * * * an independent power may be made by the United States in various ways. First, by treaty; second, by the passage of a law regulating commercial intercourse between the two powers; third, by sending a diplomatic agent * * * with the usual credentials; or, lastly, by the Executive receiving and accrediting a diplomatic representative from the power in question, which would be a recognition as far as the Executive only is competent to make it."

A pro forma recognition, a prima facie recognition, an introductory recognition.

In the first and third modes the concurrence of the Senate in its executive capacity would be necessary, and in the second in its legislative character.

That is where it also involved a war. That was Mr. Clay's report.

The Senate alone, without the cooperation of some other branch of the Government, is not competent to recognize the existence of any power.

The President of the United States, by the Constitution, has the charge of their foreign intercourse. Regularly he ought to take the initiative in the acknowledgment of the independence of any new power. But in this case he has not yet done it, for reasons which he, without doubt, deems sufficient.

That is the case of the South American republics.

If, in any instance, the President should be tardy, he may be quickened in the exercise of his power by the expression of the opinion, or by other acts, of one or both branches of Congress, as was done in relation to the republics formed out of Spanish America.

Together with this report a resolution was submitted to the Senate from the Committee on Foreign Relations that was as follows:

Resolved, That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power.

Now, take these declarations as to the rightful powers of Congress in the recognition of the independence and sovereignty of new states, and contrast them with what the President has done and is doing in the usurpation of powers that rightfully belong to Congress in his dealings with Panama and Colombia, and the danger of his course is frightful when it is backed by a powerful

party organization, and is applauded and urged into reckless haste of movement by every man in the country who thinks he sees a job for his advantage in public disturbances, and every man whose ideas of national power and glory are measured only by its aggressive and belligerent invasion of the rights of other nations.

The President asserts, with an assumed boldness, that no one connected with the Government of the United States participated in the movement or conspiracy that gave birth to the Republic of Panama.

Following his example, I will have read an extract from a newspaper correspondent. A large part of the President's message rests upon that class of material. I will have read an article signed by the initials "F. C.," which was sent on the 30th of November, 1903, by the special correspondent of the New York Evening Post. It has been printed all through the United States. If I can have the indulgence of the Senate to allow the Secretary to read the article, I shall be very much obliged.

The Secretary read as follows:

[From the New York Evening Post. Special correspondence of the Evening Post.]

PANAMA, REPUBLIC OF PANAMA, November 30.

So seldom can a republic be snap-shot in the making that the true and veracious history of Panama ought to be set down. New York accounts of it have been fragmentary. Washington accounts have been politic, oblique; you have felt that they did not touch upon realities. Here, among a simple and elated people, nothing is concealed. The only thought is that there shall be told none of that which might reflect in the least upon the United States Government. There is a fine pro-American bent to the population. To the best Panamanians New York has long been the loveliest of cities and the United States the ideal of a country. Only one of the de facto cabinet of the new Republic is unable to speak English. Much of the population is from the British colony of Jamaica. Officers from the British war ship *Amphion* fraternize with American correspondents and naval officers, and among the Spanish or so-called natives of the Isthmus to be an American is to insure social treatment such as only Spanish courtesy is perfect in supplying. What the native girl who made the first Panamanian flag said is truly illuminative of the attitude. "After I am a Panamanian," she told us, "I am a Yankee."

As it is written here the story of the revolution is as well authenticated as it could be, if you accept the word of the signers of the declaration of independence of the junta of the provisional cabinet, of the admiral of the navy, of all who participated. I think they are keeping nothing back. Altogether, it is a unique story. It begins in March, or perhaps May, of this year. Control of the trans-isthmian transportation (the great asset of this neck of land connecting two continents) had, as has been said, given the United States a hold upon popular allegiance. She was the power which had to be respected. Hers was the Government for which battles were stopped that trains under her interests might pass uninterruptedly upon their business. Here, as well as at Washington, the feeling was that, treaties to the contrary notwithstanding, it was somewhat quixotic for American marines to be landing always for the practical support of Colombian sovereignty.

The idea of American interference in behalf of the separate states was abroad in March. In May Dr. Amador talked about it to José Augustin Arango, lobbyist of the Panama Railroad, and to Tomas Arias, who held the electric-light concession. They took into confidence Federico Boyd, half British by descent; Constantino Arosemana, whose family had been fleeced by compulsory subscription to various "revolutions"; Ricardo Arias, brother of the electric-light man, and De Obarrio. Sometimes meetings were held at Amador's house; often at night in the electric-light back office down on the edge of the Bay of Panama. They kept their purpose close, fearing to let it out. Gen. Herbert O. Jeffries (I have it from himself) was "in the know" also; Arango was appointed to keep Colonel Black, United States Army engineer, supervising the present digging of the canal at Culebra Cut, and Colonel Shaler, B. D. Prescott, Capt. J. R. Beers, leading officers of the Panama Railroad, fully informed as to what was going forward. James Hyatt, of course, was also informed. Summer came. Colombia hesitated over the treaty. Dr. Amador sailed in August via Jamaica to Boston and then proceeded to Washington. Mr. Hay, Secretary of State, was on his holiday, and Amador could not see him. He told of his mission, however, to somebody, and went on to New York.

There he consulted with M. Bunau-Varilla, agent of the Panama Canal Company. Both were staying at the Waldorf-Astoria, and held their conferences there. "Now, are you sure about this?" I asked Señor Arango, of the junta.

"Yes," he answered. "Yes," coincided Señor Arias; "Doctor Amador talked with Varilla and others and was assured presently that the American Government would give support to a secession movement; not officially, of course. General Jeffries has a letter, he says, in which President Roosevelt declares he'll be damned if he will aid in any revolution." But Doctor Amador believed in the authority of the utterances of Bunau-Varilla and went home in a fervor. "Put these papers in the safe," he said to the returning purser of the *Yucatan*; "they are worth much—I would not lose them." His narrative of the results of his mission to the United States was scarcely credited in spite of the accompanying papers. Nevertheless, E. A. Morales, C. A. Mendoza, and J. Henriquez began to draft a declaration of independence for Panama.

There were more conferences at Amador's house. Mrs. Amador became interested. (In all these Latin countries the women are fierce and effective patriots.) José Gabriel Duque, Cuban born, but an American citizen, editor of the *Star and Herald*, went to New York and Washington. He went, it is said, on his own hook; and he spoke with Secretary Hay on September 3, who had, on August 23, been in conference with President Roosevelt at Oyster Bay. Three alternatives were discussed: One was to ignore Colombia, proceed to construct the canal under the treaty of 1846 with New Granada, fight Colombia if she objected, and create the "independent government of Panama." Señor Duque informed Secretary Hay that the revolution was to take place on September 23, the day after the adjournment of the Colombian Congress. Mr. Hay is said to have replied—this is from a report in Señor Duque's newspaper—"that the United States could not lend aid to revolutionists in carrying out a secession from the nation to which they belong." "Besides," Mr. Hay is said to have added, "September 23 is much too early," pointing out to Señor Duque that a revolution coming the day after the expiration of the treaty would be an absurdity, since revolutions usually require preparation.

The revolution did not come off on September 23. It was postponed to November 4. "On November 2 Admiral Glass was notified to go to the Isthmus and, if necessary, occupy Ancon Hill with artillery. Various Ameri-

can vessels were sent within striking distance. Meantime Doctor Amador took a colored design for a flag to Señorita Maria Emelia Ossa, his niece, and asked her to make a flag accordingly. Señorita Ossa is the betrothed of R. D. Prescott, agent at Panama of the Panama Railroad. Her parents are Chilean; she was born here, and, disregarding her father's neutral position as Chilean consul-general, has been ever an inspiring Panamanian, a liberal, with a great liking for "Yankees," as she told us last evening. She is not the black-eyed, black-haired Spanish woman of Frank Daniels's "The Office Boy," but brown eyed and full cheeked and brown haired, with the Moorish blood. "All the time I was sewing the flag," she says, "I fancied endless columns of Colombian soldiers marching into the house." But she finished it October 31, and it was first seen in New York on the *City of Washington*, one of the Panama Railroad's chartered steamships.

On the evening of the day the flag was finished there was a final meeting of the conspirators at Doctor Amador's house. Eight persons were present. They heard that Doctor Amador had telegraphed Varilla that everything was now ready for the overturning. They adjourned with the remark that, "If Varilla could move some American men-of-war to the Isthmus he is somebody and we can go ahead." In the morning (November 1) arrived a reply from Varilla, dated October 31, saying that American men-of-war would be at the Isthmus immediately to keep transit open. Arias, on hearing this, said:

"What if Colombia changes her position and grants the treaty?"

"Then," was the answer, "we are all betrayed, and it is the end of us."

November 4 was fixed as the date for "the movement." The work of enlisting the aid of Government officers was progressing. Admiral Varon, of the Colombian gunboat *Twenty-first of November* was won over with all his forces. General Huertas, commandant of the garrison, was found easy to approach because he is a Panamanian by birth, has a Panamanian wife, and has heard that he was to be transferred with all his troops to Barranquilla. Such a transfer would mean that he and his troops would hereafter be paid in paper money, worth only a few cents on the dollar, as at Barranquilla there is no silver currency. To rid himself of officers and men he was not sure would enter the plot to revolt he pretended to have had a dispatch saying that revolutionists were landing at Cocola, down the coast. Then he sent off all the trusted officers and men to put down Cocola's imaginary insurrection.

Señor Melindes, of Colon, was called to Panama and asked to be ready to take the governorship of Colon on the 4th. About noon on the 2d the *Nashville* arrived at Colon. Everything then was favorable except that no American war ship had appeared at Panama. Suddenly that evening, to the consternation of the plotters, the Colombian war ship *Cartagena* steamed into Colon, bearing some 600 soldiers, 50 clerks, and a new governor.

Somebody had tipped off Bogota that a coup was planned, and Bogota had dispatched these troops to replace the suspected garrison, clerks to do the work of untrue officeholders, and Gen. Pompillo Gutierrez to supplant Governor Obaldia. Governor Obaldia lived in the same house with Doctor Amador, and they belonged to the same poker club, but "officially" he knew nothing of the conspiracy. Everybody says so. Colombia, nevertheless, had prepared to remove him.

The *Cartagena's* outfit, civil and military, was landed at Colon, leaving command to Colonel Torres. The generals boarded a train for Panama. This city was in a ferment. The revolutionists thought the jig was up. What should be done? Now, General Huertas, in command of the garrison, had fought under Gen. Herbert O. Jeffries. Huertas lost his right arm serving with this New Yorker of Virginian antecedents, who was one of Roosevelt's political helpers when Roosevelt first ran for the assembly of the twenty-second district of Manhattan. Huertas said to Jeffries, "Will you stand by if I deliver the garrison to the revolutionists?" "Sure," answered Jeffries.

Then Jeffries went to the nonplused revolutionists and declared, "You have arrived at the time described in an old Spanish saying—you have got to give birth now or burst." Mrs. Amador, who had been the soul of the revolution, besought her husband to take his opportunity. "You must go on now," she insisted. A dispatch came from Colon. R. D. Prescott while pretending to make a purchase conveyed the telegram to the hand of the head of the Brandon firm. It said that the Panama Railroad had refused to transport the Colombian troops across to Panama. Hearing this, the revolutionists took heart. They would go on. At 5 o'clock they would serenade the Colombian generals, and then after dinner the generals would be seized and the same band which had welcomed them would sound the tocsin of the revolution.

This plan was superfluous. On arriving, the generals went down to the barracks after noon to see General Huertas. One version of what happened is this: They greeted General Huertas, who offered them wine. They proposed a toast. Invaded by a fear that when he raised his one good arm to drink the Colombian generals would take advantage of him and run a sword through him, he said, "One moment." He left the room, gave orders for a company of soldiers to go in and put the newly arrived officers under arrest. The arrest was made and the prisoners turned over to the police, to be kept in jail. Revolution was declared; the populace rejoiced; the flag of Señorita Ossa was unfurled.

At Colon the Colombian troops waited on the wharf. Over the Panama Railroad telephone their commander called up Señor Arango, lobbyist for the railroad, and one of the junta, and demanded that his generals be sent back to him.

"They will not be released," replied Señor Arango.

"Then come down here and fight," suggested Colonel Torres.

"We will to-morrow," said Arango.

"No, to-day," urged Torres.

But the railroad refused to fetch the revolutionary troops to Colon or to send the Colombian troops to Panama. Two eager armies were kept apart by the casual order of the superintendent of a little 48-mile railway.

Next came a message by telephone, asking the custodians of the Panama treasury (containing \$140,000 silver) whether they would stand for an arrangement whereby Colonel Torres could be got to depart with his troops peaceably. Isaac Brandon & Son and Henry Eshman, bankers, and custodians of the money which had come into the possession of the revolution, replied, "Yes." Then Melindes, of Colon, took Colonel Torres to the café of the Hotel Washington, and, after a few drinks, Colonel Torres pounded his fist upon the table and announced theatrically, "At 2 o'clock every American in Colon would be killed if Generals Tobas and Amaya were not at once freed and sent back to Colon." This word went out to the American ship *Nashville*. Marines were sent ashore. "Jimmie" Hyatt asked for arms for American citizens. The *Nashville* supplied them. Some 43 Americans, including the marines, piled bales of cotton on flat cars at the door of the adobe freight house, and were ready. The soldiers were on the wharf. The hour passed. Then Colonel Torres took \$8,000 and embarked his troops on a passenger steamer bound for Cartagena. His own portion, after formally "paying the back wages of the soldiers," is said to have been \$5,000.

The drop of a hat would have precipitated shooting on the second day of the tension. Colonel Black, United States Army, canal inspector, took command of the Americans at the railway station, and removed the cars from the tracks so that the Colombians could have no rolling forts or Trojan horses. Colonel Torres apparently expected until the last moment that the

captured Colombian generals would be returned to him, but when he found that he was hemmed in, he accepted the money and embarked his troops. Colonel Black, thereafter, was the first to raise Panama's flag.

In this very modern and unique revolution the schedule of prices was as follows:

For General Huertas	\$25,000
For Admiral Varon	25,000
For Colonel Torres and troops	8,000

This makes a total of \$58,000. For judges, postmasters, et al., a lot more was paid. All that was in the treasury went out. One of the junta was asked if it was true that General Huertas had declined to receive the \$25,000, preferring a place under the new Government. "He never refuses anything," was the response.

Admiral Varon has an undersecretaryship in the war department. General Huertas is in command of the army, which has been reduced from 3,500 to 1,800. General Jeffries is the admiral of the Panama navy. I believe this to be an impartial inside account of the overturning—absolutely true. This narrative, of course, does not deal with causes and grievances.

F. C.

Mr. MORGAN. Mr. President, that letter, signed "F. C.," of course can be traced to the man who wrote it. It was printed on the 8th of December, 1903, in the New York Evening Post, which is a highly respectable journal, and has stood in print from that time to this and been circulated and referred to throughout the United States by a great many people. If it is not a true statement, it challenges the attention of the Government of the United States, and more particularly of the Government of Panama, to have this matter corrected. No one, so far as I have heard or observed, has made any statement contrary to the statement made by this correspondent.

It stands in the public estimation either as a confessed truth or as something so entirely absurd and on its face so false as that it requires no reply. I had it read for the purpose of showing that an accusation had been made in this formal, open way, through this important journal, and over a signed name, or in an article signed by initials, that two officers of the Government of the United States had participated in this affair.

The President said that no officer of the United States had participated. If this letter makes a correct statement, two officers participated—Colonel Black, in taking command of the citizens there, armed, probably, with the muskets which had been sent from New Orleans along during the latter part of the summer, and also in raising the Panama flag.

I can scarcely conceive that an officer of the United States Government would have any official business in Panama in raising the flag of a government in secession against the mother government of Colombia, with whom we were on terms of peace and amity, and whose minister was then quietly residing in Washington and seemed to have been entirely uninformed of the situation in Panama, and we know the Government of Colombia was uninformed. They never knew about the situation there until Minister Beaupré notified them officially of that fact in delivering a letter to him that was sent by the Secretary of State.

Now, there was another officer of the United States also implicated in this matter directly, if the statements of this and other correspondents can be relied upon, and certainly they create a case which demands examination and refutation, if they are untrue. This paper states that a certain bank in Panama, under the control of Mr. Henry Ehrman, was the depository of the government of Panama, under Colombia, of her public funds, and that they had \$140,000 in the treasury. He states that the officers of that bank gave a pledge, in advance of the actual movement, that they would furnish the money for certain specified purposes which are here stated, and that they did furnish the money. The writer says:

In this very modern and unique revolution the schedule of prices was as follows:

For General Huertas, \$25,000.

He is a young negro who had risen in Colombia to the rank of a general.

For Admiral Varon, \$25,000. For Colonel Torres and troops, \$8,000.

Those were the Colombian troops during the occupation.

It has been stated by all the correspondence I have read about this affair in Panama that Colonel Torres did accept the money.

This makes a total of \$58,000. For judges, postmasters, et al., a lot more was paid. All that was in the treasury went out. One of the junta was asked if it was true that General Huertas had declined to receive \$25,000, preferring a place under the new government. "He never refuses anything," was the response.

Admiral Veron has an undersecretaryship in the war department. General Huertas is in command of the army, which has been reduced from 3,500 to 1,800. General Jeffries is the admiral of the Panama navy. I believe this to be an impartial inside account of this overturning, absolutely true. This narrative, of course, does not deal with causes and grievances.

Now, Felix Ehrman, who was a Frenchman by nativity and was appointed consul at Panama from Louisiana, is the man to whom Secretary Hay addressed the dispatch and authorized him to recognize the de facto government in Panama whenever in his opinion the people of Panama supported it. That is the only declaration which ever has been made of an official character as to the independence of Panama. Felix Ehrman was the comptroller and principal capitalist and owner and director of that bank. Some relative of his, Henry Ehrman, was in the bank in a position

subordinate to the board of directors, probably the president of it. These statements have been made by various men who have written to the great public journals of this country from Panama.

Mr. President, in order to give a further idea of the accuracy and reliability of the statement by correspondents from Panama I will introduce, if the Senate will allow me, as an appendix to my remarks, without having it read, a signed article of Mr. Merrill A. Teague, dated at Panama, December 10, 1903, who signed it as staff correspondent of the *Courant*, of Hartford, Conn., a paper formerly—I do not know how it is now—published and largely owned by one of our colleagues in the Senate, the honorable Senator from Connecticut [Mr. HAWLEY]. Mr. Teague goes on—I do not know him personally—

Mr. FAIRBANKS. The same article I think has appeared in a number of different journals in the country. I observe that Mr. Teague is printing what I suppose to be syndicate letters upon this subject.

Mr. MORGAN. Yes.

Mr. FAIRBANKS. It was published in the *New York Tribune*, the *Indianapolis Journal*, and other papers.

Mr. MORGAN. It seems to have had wide circulation. But the *Courant* says in the heading of this article, "Staff correspondent of the *Courant*." So it adopts him as staff correspondent of that paper, and he signs his name to the article and dates it at Panama. He goes on to give a very strong corresponding statement to that which has just been read of the transactions in Panama. This I will also in the same way, without reading, insert as an appendix to my remarks.

Then, if the Senate will permit me, I will introduce letters from Colon and from Panama that were addressed to several of the great leading journals of the United States. Some of the most important of them were addressed to the *New York Tribune*, which is under the conduct and editorial control of one of the greatest and most distinguished Republicans in the United States, Hon. Whitelaw Reid. I do not suppose, I can not suppose, that that gentleman would permit any correspondent from any part of the world to put a statement into the *Tribune* that was unjust and incorrect, particularly toward an Administration of which he is a warm supporter and admirer. I will put in the testimony of correspondents of various newspapers, leading journals of New York, without reading them. I take it that there is sufficient evidence lying underneath these different letters to show that we have through an unofficial source, but from eyewitnesses and close inquirers, a really authentic account of all that took place in Panama.

That comprises, Mr. President, the facts upon which this recognition was based, except so far as it was stated by the President in his two messages to Congress. That evidence, taking it for true, shows that the Government of the United States could not possibly, out of respect for its own statute laws of neutrality in 1794 and continued down to the present date, recognize the existence of a government de facto there for the reason that the recognition was necessarily an intervention. The purpose of the President, which is undeniable and which he does not pretend at all to conceal, in making this recognition was to get the canal at Panama. For that purpose he was moved by his conviction that it was a very great national and universal necessity. He puts himself there in the attitude of the sponsor and protector of universal civilization with all of its rights across that Isthmus to sustain himself in that grand conception.

Then, again, the President in his message, and in various passages which I will not stop to quote—it is unnecessary to do so—shows a feeling of very strong, earnest, deep-seated resentment toward the Government of Colombia after the failure of the Hay-Herran treaty, and charges upon that Government that it was an act of moral delinquency that the Colombian Congress did not ratify that treaty, which Congress was not even in existence at the time the treaty was made. The President shows that he is embroiled with Colombia, and he is in a towering rage toward that Government for not having acquiesced in the arrangement made between him and Marroquin.

This purpose—the actual purpose, the grant of the canal concession—which it then turned out could not be got in any other way than by tearing Panama loose from the mother Government and making it an independent state, is not in the slightest degree consistent with the laws of the United States, which in all their injunctions command all the officers of this Government to observe honest, sincere neutrality toward all foreign powers.

Therefore it establishes the proposition on which I rest this case, so far as the duty of Congress and so far as the right and power of the President to estop Congress from inquiring into the actual situation are concerned, upon the fact that in that recognition given by the President of the United States there was a distinct purpose, which he announced was of vast benefit to the people of the United States to be thereby accomplished, and that

changed it from the neutral declaration of a de facto government into an act of actual intervention.

If no canal route had been at Panama, and if the protection of the transit by the railroad had been the only incentive to the action of the President, Panama would never have been recognized by the President de facto, or de jure, and that junta of four citizens of the United States and four other citizens of the world would have been left to their own resources.

Now, that intervention was not peaceful. It was not intended to be peaceful. It was coercive. It was an intervention of duress. More than that, it was an intervention of threat, an intervention of actual hostility. Here is one officer of the United States raising the flag for that new republic, and another officer of the United States and the very consul who recognized this de facto government, engaged there as a controlling man in a bank, that agreed beforehand to rob the treasury of Panama or the treasury of Colombia, as the case might be, of the money that was necessary to get rid of Torres and send him off with his troops, and also to buy the allegiance and the subordination of the other men whom the President said he was informed were opposed to the Government of Colombia in Panama while they were in its service and wearing its uniform.

Have I leave to put in these papers as an appendix?

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Alabama? The Chair hears none.

Mr. CULBERSON. I will ask the Senator if the fact to which he has just referred in connection with Consul-General Ehrman's payment of money to Colonel Torres is supported by the excerpts from newspapers which he now submits?

Mr. MORGAN. Yes, sir; it is stated there. I do not know whether it is true or not. It has been stated for days and weeks.

Mr. CULLOM. In what paper is it stated?

Mr. MORGAN. I shall have to go over them.

Mr. CULLOM. Is it in a newspaper or an official document?

Mr. MORGAN. Oh, a newspaper. There is no official document on the subject. I appeal to the same class of authorities the President of the United States appeals to to sustain his position down there. He appeals to papers, and I have a right to do the same thing, I suppose.

Before leaving this branch of the case, or the branch in which I made some observations on the subject of the law, I wish to read two decisions, or parts of two decisions, of the Supreme Court of the United States to show that the authority cited by the Senator from Massachusetts as to the courts following the lead of the political authorities in matters of this kind is not based upon the court having ascertained in any case the merits of the proposition, but upon the fact that the court feels itself bound to follow Congress or the authorities of the executive department when they are sufficient to create a prima facie case of recognition as a matter of duty, not questioning a situation that has been created by the political department of the Government. The courts take that ground in order to prevent a conflict between the different departments of the Government of the United States. In order to make that matter very clear, I will read extracts from two decisions of the Supreme Court of the United States.

First, in the case of *The United States v. Palmer*, 3 Wheaton, in which Chief Justice Marshall delivers the opinion, the court say:

Those questions which respect the rights of a part of a foreign empire which asserts and is contending for its independence, and the conduct which must be observed by the courts of the Union toward the subjects of such section of an empire who may be brought before the tribunals of this country, are equally delicate and difficult.

As it is understood that the construction which has been given to the act of Congress will render a particular answer to them unnecessary, the court will only observe that such questions are generally rather political than legal in their character. They belong more properly to those who can declare what the law shall be; who can place the nation in such a position with respect to foreign powers as to their own judgment shall appear wise; to whom are intrusted all its foreign relations, than to that tribunal whose power, as well as duty, is confined to the application of the rule which the legislature may prescribe for it.

In such contests a nation may engage itself with the one party or the other; may observe absolute neutrality; may recognize the new state absolutely, or may make a limited recognition of it. The proceeding in courts must depend so entirely on the course of the government that it is difficult to give a precise answer to questions which do not refer to a particular nation. It may be said generally that if the government remains neutral and recognizes the existence of a civil war its courts can not consider as criminal those acts of hostility which war authorizes and which the new government may direct against its enemy. To decide otherwise would be to determine that the war prosecuted by one of the parties was unlawful, and would be to arraign the nation to which the court belongs against the party. This would transcend the limits prescribed to the judicial department.

It follows, as a consequence, from this view of the subject, that persons or vessels employed in the service of a self-declared government, thus acknowledged to be maintaining its separate existence by war, must be permitted to prove the fact of their being actually employed in such service by the same testimony which would be sufficient to prove that such vessel or person was employed in the service of an acknowledged state. The seal of such acknowledged government can not be permitted to prove itself, but it may be proved by such testimony as the nature of the case admits, and the fact that such vessel or person is so employed may be proved without proving the seal.

I call the attention of my brother Senators, particularly those upon the Committee on Foreign Relations, to that statement, that the seal of such acknowledged government can not be permitted to prove itself, but it may be proved by such testimony as the nature of the case admits.

The PRESIDENT pro tempore. The Senator from Alabama will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the Calendar of General Orders.

Mr. CULLOM. Mr. President, I hope the Senator from Alabama will be allowed to proceed.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the Senator from Alabama may be allowed to proceed. Is there objection? The Chair hears none.

Mr. MORGAN. The next authority from which I will read is the opinion of the Supreme Court in the case of *The Estrella*. It is in 4 Wheaton:

Mr. SPOONER. A prize case?

Mr. MORGAN. Yes. The court say:

It has been attempted, but without success, to distinguish this case, in principle, from several which have already been decided in this court. We have been told, as heretofore, that to the courts of the nation to which the captor belongs and from which his commission issues exclusively appertains the right of adjudicating on all captures and questions of prize. This is not denied, nor has the court ever felt any disposition to intrench upon this rule, but, on the contrary, whenever an occasion has occurred, as in the case of the *Invincible* (1 W., 238), it has been governed by it.

A very queer proposition arises just in this connection. What would President Roosevelt do with a court in Colombia that would condemn a prize taken by one of her ships from one of the navigators of Panama? Would he be willing to admit that that court had jurisdiction over the national vessel of Panama? Or, if a national ship of Panama were to make prize of a Colombian ship as matters stood on the 18th of November, would he admit that the vessel could be condemned in a prize court of Panama? Panama had no judicial system on or before or since that day up to the present time.

We are going too fast in this matter, Mr. President. There are a great many collateral questions that tangle themselves up with this action of ours, and for which we shall be held to account some of these days in a way more serious than any of us at present apprehend. We had better go a little slowly. The court continue:

Not only is it a rule well established by the customary and conventional law of nations, but it is founded in good sense, and is the only one which is salutary and safe in practice. It secures to a belligerent the independence to which every sovereign state is entitled, and which would be somewhat abridged were he to condescend so far as to permit those who bear his commission to appear before the tribunals of any other country and submit to their interpretation or control the orders and instructions under which they have acted.

It insures also not only to the belligerent himself, but to the world at large, a great degree of caution and responsibility, on the part of the agents whom he appoints; who not only give security to him for their good behavior, but will sometimes be checked in a lawless career by the consideration that their conduct is to be investigated by the courts of their own nation, and under the very eye of the sovereign under whose sanction they are committing hostilities. In this way also is a foundation laid for a claim by other nations of an indemnity against the belligerent for the injuries which their subjects may sustain by the operation of any unjust or improper rules which he may think proper to prescribe for those who act under his authority.

De facto governments have responsibilities, although they have not got sovereignty.

But general and firmly established as this rule is, it is not more so than some of the exceptions which have grown out of it. A neutral nation which knows its duty will not interfere between belligerents so as to obstruct them in the exercise of their undoubted right to judge, through the medium of their own courts, of the validity of every capture made under their respective commissions, and to decide on every question of prize law which may arise in the progress of such discussion.

Were the Governments of Panama and Colombia belligerents on the 3d and on the 4th day of November, 1903? The President, in his message, says that if he had not interposed there would have been bloodshed to an unimaginable extent between the civil authorities, or the authorities, whatever they may be called, of the Republic of Panama and the Government of Colombia. He affirms that fact and makes it one of the excuses for his intervention.

Then there was war between Colombia and Panama at the very time that he intervened. More than that, on the next day but one a ship of war of Colombia appeared with its flag in the bay of Panama and fired upon the city and upon the fort in order to reduce it to obedience, and would have done so, but our ships warned them off. They had no artillery of any character that could reply to it.

There was actual war between Colombia and Panama at the very moment of our recognition of the de facto government there, our recognition being attended with a motive that was so irresistible in the mind of the President that he even boldly defies and refuses obedience to the Spooner law in order to get a chance to get at these people with his guns and ships. Motives, purpose, acrimonious feeling, bitter hatred, and revenge characterize every

step that he took in this matter. The world knows it, and the world is not going to allow it to be disputed that that was the situation.

Mr. SPOONER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. MORGAN. Certainly.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. MORGAN. Certainly.

Mr. SPOONER. Does the Senator criticize the action of the representatives of the United States in warning the gunboat to which he refers to desist from shelling Panama?

Mr. MORGAN. I do, when we consider the reason why they were there.

Mr. SPOONER. Does the Senator maintain the proposition that the gunboat, no matter for what reason it was there, would be justified under the law of nations in shelling a city without giving the usual notice to women and children and noncombatants to enable them to retire from it?

Mr. MORGAN. That was not the reason we assigned, and therefore I am not disposed to debate any reasons that were not assigned. The reason that we assigned was that they were there firing upon the fort and the city against the will of the Government of the United States. They were not ordered to stop firing until they had given notice, but they were ordered off.

Mr. SPOONER. My understanding of the fact is not that which the Senator understands.

Mr. MORGAN. My remarks apply to my understanding of the facts, and I state them. Can the Senator state anything different?

Mr. SPOONER. My understanding of the fact is that the gunboat was given that notice because it was a violation of the rule of civilized warfare.

Mr. MORGAN. Then why were they ordered off?

Mr. SPOONER. I do not know that they were ordered off.

Mr. MORGAN. I know; at least I know about it just as I know about everything else down there, and as all of us know about anything there. The Administration closed the door and put a lock on it. We can not get into the facts.

Mr. SPOONER. I know this, and I know the Senator knows it, that there is not a government in the world which, under the circumstances, would not have been justified in putting a stop to that bombardment.

Mr. MORGAN. There were several governments there besides the United States with shipping in that harbor. Why did they not do it?

Mr. SPOONER. It was proper for us to do it.

Mr. MORGAN. It was considered to be our duty because we were in a position which made it necessary in order that we should prevent any possible damage being done to the troops or the fort at that place in Panama. We were belligerents, and that is the reason of it.

But that is only one incident in the belligerency. We have the ordering off of the troops of Torres, buying up their commander and getting him to go back to Cartagena; the refusal to admit General Reyes when he came there to land upon the soil of Panama unless he would first admit the independence of Panama; the guarding of the coast; the refusal to permit the flag of Colombia to appear in the harbor of Colon.

There has been no fact at Panama since the 3d of November that tended to show the existence of a state of peace between Panama and Colombia, or between the United States and Colombia.

If the flag of Colombia should appear in the harbor of Colon without the express sanction and protection of the United States Government the people of Panama would fire upon it.

No, we need not be engaged in hairsplitting on the question as to whether hostilities existed there.

They existed there between Colombia and Panama; and when the Government of the United States interposed its force and refused to permit Torres and his troops to go from Colon to Panama by any route, land or rail, the Government of the United States made itself a party to that war, as it did when it recognized, through Mr. Ehrman, the de facto Government of Panama.

These recognitions, these acts of hostility, these acts of defiance and violation of the statute laws of the United States were all in nearly the same instant of action. They followed each other so rapidly or were so connected together that it is impossible to separate between them. They were, in fact, one act, and unquestionably a prearranged act.

I will leave that part of the case just there, and I hope, Mr. President, that as long as I live I shall never be compelled to advert to it again, because I really think it is the most unfortunate chapter in the history of the United States.

Now I come to the Hay-Herran treaty. I do not propose to discuss its terms. I want to take the outside of it, like the President does and like the Senator from Massachusetts does, and as we all do and have done in the discussion before the Senate.

The Hay-Herran treaty was a war breeder because of its provisions for the participation of Colombia in the military, police, judicial, and hygienic control of the canal zone.

That is what I have to say about the Hay-Herran treaty.

It was a shell loaded with explosives, with a clockwork of machinery that would certainly set it off.

The friction match that would ignite the explosives was the cupidity, jealousy, suspicion, resentment, and vanity of the people of Panama, backed and supported by the arrogance and the ill will of the leaders at Bogota, and kept in constant intermeddling and interference by the Jesuit priests and their following.

I believe that is a true historical synopsis of the situation in Colombia as to the Hay-Herran treaty.

The rejection of this treaty by the Colombian Congress is represented by the President on the ground of its extreme liberality to Colombia. It was dangerously lax and unguarded in its plan and provisions, if that is to be set down to the credit of liberality. It was so dangerous to the operation of a canal and so contrary to the right of exclusive control of a canal that we have demanded through every utterance of the Government and of every representative of the Government for more than thirty years that I knew that it would at once produce friction, then discord, then strife, then collision, and at last war with Colombia.

We now see, from the denunciations of Colombia and their Government in messages of the President, and in speeches at banquets by the Acting Secretary of State, which the President has applauded in a letter addressed to the Secretary, that it is realized by the Administration that the Hay-Herran treaty was not only a war measure in its machinery, but it must have been such in its contemplated action.

Its rejection has prevented war with Colombia that must have resulted from the attempt to put into operation the following stipulations, viz:

1. The Hay-Herran treaty gave to Colombia the supreme military command over the canal zone under all circumstances and at its will and pleasure, to meet all invasions and to defend and protect our property in the canal zone against all disturbance and the lives and safety of our people there against any violence, and to order off our land and naval forces when Colombia chose to issue such command.

2. That treaty provided for joint judicial control, within the canal zone, by a bench of judges chosen by both Governments, but it left to Colombia the sole right to provide laws that this tribunal should enforce by its judgments and decrees.

3. It provided for joint police control and hygienic protection of the canal zone. It made other provisions that were quite as impossible to justly or effectually enforce, which it is not now necessary to state.

The answer made by the Senate to amendments that corrected these elements of discord and war was that time would cure these difficulties and that the Colombian Congress would not ratify the treaty if a single word of it was changed.

They were rejected as being unnecessary, in point of fact, because in practice the United States would enforce them.

Thus we tendered to Colombia a treaty that we did not intend to observe, and Colombia knew it as well as we did. The Colombian Congress saw this as plainly as did the Senate of the United States, and they knew that the Hay-Herran treaty was a pitfall.

When our Secretary of State, through our minister, Mr. Beaupré, notified Colombia that not a word in that treaty must be changed, it is to the credit, at least, of the Congress of Colombia that they refused to consider it. They discovered duplicity in its provisions and imperious arrogance in that demand of the Secretary of State, and all parties in Colombia rose up against it.

That was the report of Mr. Beaupré to our Government before the treaty had been published in Colombia, that all those parties, just out of the turmoil of a bloody civil war, were opposed to the treaty. All Colombians were united against it, because they did not believe in the sincerity of our statements.

If France, England, Germany, or Russia had been thus dealt with and had resented the affront, our next act in the drama would not have been war. It would most likely have been a doffing of caps, a sheathing of swords, and the humble bow of apology. But Colombia is held to severe account because her Congress, which was not in existence when we ratified the Hay-Herran treaty, refused to consider it.

We do not pretend to have any understanding or agreement with that Congress in negotiating that treaty with Marroquin or as to its ratification.

Such was the state of facts when, in 1903, the uprising of the Liberals all over Colombia was repressed in Panama, by the assist-

ance of our President, and a Congress was elected, under the proclamation of Marroquin, to consider the Hay-Herran treaty. That Congress had no part in negotiating the treaty, which was ratified by our Senate before they were elected.

Whatever the President of the United States and Marroquin may have agreed upon, the Congress of Colombia was at perfect liberty to accept or reject under their oaths to support the constitution of that State.

It is for this alleged breach of duty that the Congress of Colombia is publicly and violently accused of ingratitude and breach of faith by the President of the United States and the Acting Secretary of State, and by the alleged minister plenipotentiary of the Republic of Panama.

The constitution of Colombia ordains as follows:

TITLE I, ART. 4. The territory, together with the public property therein contained, belongs exclusively to the nation.

The sections which composed the Colombian Union, and were called States and national Territories, shall continue to be parts of the territory of the Republic of Colombia, retaining their present limits under the name of Departments.

Mr. QUARLES. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. MORGAN. Yes.

Mr. QUARLES. I do not wish to disturb the Senator, but I want to ask for information whether the suggestion that the action of the Colombian Congress was based upon doubts of our good faith and sincerity is derived from any authentic report of the debates of that body, or is it a mere inference which the learned Senator himself draws, the general impression being that the action of that Congress was dictated or controlled by a mercenary desire on their part to obtain a greater sum of money from the United States?

I ask if there have been any such debates. If the Senator has any authentic report of those debates, I think the Senate and the country would like to know that fact.

Mr. MORGAN. I have never had access to the debates in the Colombian Congress, or, in fact, to any other matter that took place between the United States and Colombia, nor do I expect ever to have.

When the honorable Senator from Massachusetts [Mr. HOAR] put in his resolutions the other day to get information they were delayed and the President of the United States availed himself of the powers of the President and his authority to address a message to the Senate of the United States to answer those resolutions and speeches which had been made here, and I infer that what we have got from Colombia in that message is all we are ever going to get. That is what I infer. But I will presently quote a statement made by the Colombian Congress, which I happened accidentally to fall upon, which I think justifies all that I have said.

I am reading now from the constitution of Colombia for the purpose of showing the members of this body, our constitutional lawyers, the grounds upon which the Colombian Congress was pledged to act as it did act, and that mercenary motives or any other suspicion were not necessary to justify the lawfulness and the constitutionality of the action they took.

Mr. CULBERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Texas?

Mr. MORGAN. Certainly.

Mr. CULBERSON. I call the attention of the Senator from Alabama to that portion of the speech of the Senator from Massachusetts [Mr. LODGE] on Tuesday last in which he said that the State of Panama had never acceded to any national constitution of Colombia since that of 1858. I call the Senator's attention to that in order that he may tell us, if he is advised about it, whether or not, as a matter of fact, the State of Panama acceded to the constitution of 1886, from which the Senator has just been reading.

Mr. MORGAN. I have read the history of that constitution, which was published in connection with the instrument itself, as an authentic statement. In that it is stated that Panama had her delegates in the constitutional convention, and, without any demur or protestation then or since, she has been absorbed as a Department, having lost her nominal position as a State. The text of the constitution which I have just now read shows that.

I will read another statement now from Title VI, article 76:

Congress shall make the laws.

They are very succinct, very clear, and very able, too, in their statements of the constitutional principles.

Congress shall make the laws.

Then it proceeds to say in what cases.

IV. To regulate the administration of Panama.

That is in the constitution. It does not apply to any other State in Colombia but Panama. Panama was put under the heel of the Colombian Congress in a much more complete way than any other of the Departments of Colombia, for the reason that we had

a treaty of 1846 with Colombia with reference to Panama, which probably could not be honestly enforced without the power of the Colombian Congress to apply directly upon Panama in all respects.

Every law in Panama could be made by the Colombian Congress if it chose to do so. The little local government there amounts to nothing, and especially the corporation of the city of Panama, with which, after all, we have made the only diplomatic arrangement, the only thing that looks like a diplomatic arrangement in this business. We have not got the power to govern in Panama contrary to the constitution of Colombia enacted by her Congress.

The ninth article is this:

IX. To authorize the Government to make contracts, negotiate loans, alienate national property, and exercise other functions within constitutional limits.

XI. To approve or reject treaties entered into by the Government with foreign powers.

Title II, article 120, reads:

ART. 120. The President of the Republic, as the chief executive officer of the nation, shall exercise the following power:

X. To direct diplomatic and commercial relations with other powers and sovereigns, to appoint at his pleasure and receive the respective agents, and to negotiate treaties and conventions with foreign powers.

All treaties shall be submitted for the approval of Congress, and the conventions shall be approved by the President, in the recess of the House, a favorable judgment of the ministers of the council of state having been previously obtained.

That is the state of the constitutional law of Colombia.

Mr. SPOONER. Will the Senator permit me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. MORGAN. Yes.

Mr. SPOONER. Has not the Senator overlooked a provision of the constitution of Colombia bearing upon the subject he is discussing?

Mr. MORGAN. If I have, I am not conscious of it. I have tried not to do so.

Mr. SPOONER. I have not the constitution of Colombia before me, but my recollection of it is very clear. There is a provision which the Senator from Alabama has read giving the Congress the power to make laws authorizing the executive—if that is the word—

Mr. MORGAN. "The Government," is the language.

Mr. SPOONER. Authorizing the Government to alienate national property, etc. There is another provision in that constitution which gives the Congress the power to approve all contracts made by the Government alienating Government property without previous legislative authority to the executive. Am I wrong about that?

Mr. MORGAN. The Senator is not wrong about there being such a provision, but he is entirely wrong about the application of it.

Mr. SPOONER. I am not talking about the application of it.

Mr. MORGAN. The Senator is entirely wrong about that, for the reason that that provision of the Constitution relates to contracts which the President may make, charging the responsibility upon the Government of Colombia—which I have read—until ratified; but they are contracts that do not relate to the alienation of property or to any of these other matters to which I have just alluded.

They are mere contracts, such as borrowing money, making provision for the army, employing agents, and things of that sort. They may be authorized by a subsequent ratification of Colombia, but neither can become valid until they are authorized either before or after the act is done.

Mr. SPOONER. That may be; but does the Senator contend that if the President of Colombia made a contract, without previous authority, to alienate national property, and that had been ratified by law afterwards, it would not be sufficient?

Mr. MORGAN. I understood that was the position taken by the Congress of Colombia, and I will presently call the attention of the Senator to an expression of that Congress on that very point.

These organic laws of Colombia were the actual barrier to the ratification of the Hay-Herran treaty by the Congress of Colombia. They deny to the Government of Colombia—meaning the President and his ministers—the right to make any disposal of the land of the Republic without the authority of a law enacted by Congress, or to make any such offer to a foreign country without such previous consent.

In the case of the Panama Canal and the Panama Railroad these restrictions went still further. Any sale by mortgage or otherwise of the concession to the Panama Canal Company to any foreign government is declared in the charter to be a for-

feiture of all its property to Colombia without the necessity for judicial decree. And in respect of the Panama Railroad Company it is declared in its charter that any such offer to sell its concession is a forfeiture of all its property to Colombia.

The Colombian Congress, in terms so humiliating that any strong power would have gone to war rather than utter them, thus account to the United States for the alleged fault in refusing to consider and ratify the Hay-Herran treaty.

The Colombian Senate said this, and sent the statement to our Government:

At the time it (the treaty) was signed by the Colombian plenipotentiary the country was in a state of siege; there was not any law giving authority to enter into such negotiations, and the national representatives could not consider the matter; and as the treaty implies the construction of public works on a large scale, and also the permanent occupation of a portion of the Colombian territory by the concessionary, who is not a subject liable to the laws of the country, but a sovereign political power, if the treaty were to be carried out two coexisting political powers would be established, one national and the other foreign, which would necessarily cause collisions and practically limit the jurisdiction of the nation on its own territory, and all this would be incompatible with the constitutional laws and the traditional organization of the Republic; and so a treaty of this nature could only be approved by a national convention or by a reforming act of the constitution effected in the manner herein provided.

The Senate declared by the same resolution that "the refusal to accept the treaty by the Congress does not mean in the least any change toward the United States, and solemnly confirms the sentiments of American confraternity which animate the Colombian people as well as the friendly relations which have existed and shall exist unalterably between Colombia and the United States."

On the 13th of the same month the Senate unanimously approved another resolution appointing a committee of three Senators to contrive some proposal in order to realize the wishes of the Colombian people as to the construction of the Panama Canal in accordance with the national interests and institutions that have guided the Senate on this occasion. The preamble to this decree is as follows:

The Senate of the Republic, having in view the disapproval of the treaty signed at Washington on January 23 last, between the Colombian chargé d'affaires and the Secretary of State of the United States, and considering that the Colombian people wish to maintain the most cordial relations with those of the United States, and that the construction of the canal across the Isthmus of Panama would be of great importance to the commerce and advancement of the world, as well as to the development of the American nations, hereby decrees, etc.

That is the answer of the Colombian Senate to all of the questions that have been put to me. If they show any mercenary spirit, I am unconscious of it; I do not find it in the statement. We have either got to say that is a falsehood, as the President of the United States has most decidedly intimated, or we have got to accept it as it is.

These declarations by the Senate of Colombia are entitled to respect by the Senate of the United States, however the President of the United States may regard them. It is our actions we are trying to conform to justice and propriety and not those of the President.

He may have reasons of a personal or political sort for resentment toward Marroquin on account of some breach of a private understanding with him that the Hay-Herran treaty should be ratified, and that he would summon a congress to Bogota that would ratify it, but this Senate was not a party to such an understanding, if it existed, and the refusal of the Colombian Senate to ratify it was no breach of faith on their part, as they were not in existence, as senators, when our Senate ratified the Hay-Herran treaty.

That Marroquin had agreed to do all in his power to have a congress elected that would ratify the Hay-Herran treaty is shown by the use made of our naval forces in Panama in 1902, from March until November, in protecting Marroquin against the victorious army of Herrera, in command of the liberal army. If Herrera had not been suppressed by our forces Marroquin would have ceased to be President of Colombia, and Panama would have had her choice either to be an independent state or to drive the violators of the constitution of that Republic from power.

Our President in 1902 sustained Marroquin in the hour of defeat and repressed the Liberals under Herrera. This was done to enable Marroquin to negotiate the Hay-Herran treaty. When that treaty was rejected by the Congress of Colombia the wrath of our President rose to an awful pitch. He turned against Marroquin in 1903, and through the mouth of Loomis, Acting Secretary of State, and that of the minister from Panama to this country, such censures and abuses as no foreign man has yet received from the hands of the United States were poured upon his devoted head at a public banquet and afterwards approved by the President of the United States.

The Spooner law, and the negotiations under it with Marroquin, decided our President to sustain Marroquin, at least until the Hay-Herran treaty could be concluded and ratified, and to him Marroquin owed his continuance in the office of President of Colombia. To him, also, Panama then owed its final defeat when its victory had been won in its alleged war of rebellion.

These debts of honor grow so rapidly and in such questionable shape that it is no wonder that the Senate of Colombia refused to perjure itself by ratifying Marroquin's promise to ride down the constitution of Colombia in accepting the Hay-Herran treaty; and it excites as little wonder that our President is in a towering rage because Marroquin could not or would not compel the Colombian Senate to keep faith with him.

When we ask ourselves as to the cause of all this wrath and commotion and to what extent the alleged oppression and independence of Panama entered into the stormy indignation of our President we find two propositions at the bottom of the strange situation: First, the obstacle of the constitution of Colombia; and, second, the inducement of a bargain with the New Panama Canal Company to purchase what it had to sell for \$40,000,000.

The independence of Panama was made impossible, without express consent, in the Hay-Herran treaty. Was our President angry because the Colombian Senate refused, at our instance, to rivet these claims upon Panama? For his sake, we had better leave that proposition out of the question.

It is the Colombian constitution that has excited his wrath, because it stood in the way of the Hay-Herran treaty, and for that cause he stands by to assist in the dismemberment of Colombia as a sovereign republic.

We all know, for I put the facts in the records of Congress, that the Liberal party, in a public declaration of the causes of the civil war in Colombia of 1898 to 1902, stated as one of its leading causes a contract of President Sanclemente with the New Panama Canal Company to extend the Wyse concession from 1904 to 1910, as follows:

We, the undersigned, have the honor of being the authorized representatives of the Liberal party, and therefore of the Colombian people; and the following statements and declarations being the faithful expression of the country's will, through the government that will soon be the only recognized government of the Republic, should carry the weight that always attaches to the utterances of a whole nation.

The contracts that the government of Dr. Manuel Antonio Sanclemente may make, without being legally authorized, therefore, neither are nor will be recognized by the revolutionary government.

The President of the Republic, Doctor Sanclemente, is not empowered to make contracts involving national interests without the assent of the legislative body appointed by the people. Whatever is done without that assent is therefore void.

We make these statements merely to prevent all negotiations relating to an extension of time in the contract now in force with the Panama Canal Company. We concur in and sanction the statements that on the same subject has made an authorized representative of the revolution, Dr. Alirio Diaz Guerra, and those that will be made by Dr. Antonio José Restrepo, an agent especially appointed to act for the provisional government in this and other important matters.

The relations between the company and the Republic of Colombia are of a purely civil nature, and fall, of course, under the jurisdiction and laws of this country. The present Government is not empowered or authorized by any law whatsoever arbitrarily to alter the terms of the contract now in force.

The Liberal party of Colombia considers it an act of criminal resignation to allow the repudiated Government to endanger the future of the country by an imprudent negotiation; and one of the objects of the war in which that party is now engaged is to prevent, or at least oppose, the further sacrifice of the interests of the Republic.

G. VARGAS SANTOS.
FOCION SOTO.

A comparison of this declaration with the one I have read to the Senate, made by the Senate of Colombia to the President of the United States, shows that in both instances the question that obstructed the action of the Congress of Colombia was the obligatory force of the constitution of that Republic. It was the supremacy of that constitution, in both instances, that the Congress resolved to maintain, and in both instances it was the aggressive and fraudulent conduct of the New Panama Canal Company that caused civil war in Colombia, and the existing war in Panama.

And what is more astounding and without rational excuse is the fact that in both instances the President of the United States took sides with the canal company—in the first instance, in 1902, by sustaining Marroquin against the Colombian Congress, and in the second instance in sustaining the New Panama Canal Company against the Congress of Colombia, and, as a result, the secession of Panama and the support of the canal junta against Marroquin and Colombia.

The story of the beginning of the civil war in Colombia in December, 1898, that lasted until November, 1902, is brief, concise, and terribly criminal.

Sanclemente was President and Marroquin was Vice-President of Colombia in 1898. The New Panama Canal Company, with only \$13,000,000 in its treasury to complete the canal that had cost \$260,000,000 and was not more than two-fifths dug—the company having no other cash resources and no credit—offered \$1,000,000 French gold to Sanclemente for an extension of the Wyse concession from 1904 to 1910.

Sanclemente desired to accept it, and laid the contract of extension before Congress for its acceptance or refusal. Congress refused to accept it.

I will let Mr. Cromwell, who was the attorney in chief of the canal company, tell the rest of the story, as far as he chooses to

disclose it, in the following letters addressed to Hon. John Hay, dated New York, December 5, 1898:

Mr. Cromwell to Mr. Hay.

NEW YORK, December 5, 1898.

MY DEAR SIR: I beg leave to confirm the telegram which I sent you at 10.45 this morning, as per inclosure.

Upon my return I learned through Director-General Hutin (who had preceded me to New York) that the measure which had just been acted on by one branch only of the Colombian Congress was a bill to authorize the Executive to negotiate the terms of and to conclude a further prorogation of six years from 1904 for the completion of the canal, under a communication which the company had addressed to the Government, in the form of which I inclose you a translation.

You will note that the company specifically stated to the Government that the prorogation was not a matter of absolute necessity, but was desirable in the interests of commerce and navigation to enable an even deeper cut to be made (and which would reduce the number of locks to four), but which reduction would of course require more time than the plan adopted.

You will note that the bill proposed to confer power upon the Executive, and this happened to arise under extraordinary political conditions in Bogota. As you have probably been advised through official channels, a serious difference has recently been existing between the House of Representatives of Colombia and the President, the House having passed formal resolution declaring the office of President vacant and refusing to recognize the qualification of the President before the supreme court.

We therefore construe the action of the House of Representatives as only a part of the strife between the House and the President, and not a declaration of the policy of the nation or the Congress in respect of the Panama Canal, and as not evidencing hostility to the company itself. We are the more confirmed in this belief because of the uniform consideration and cordiality displayed by the Congress and the Government to the New Panama Canal Company, which we have no doubt their minister at Washington would fully confirm to you.

Our company has not the least apprehension regarding any prorogation of its concessions it may consider necessary in the future.

I have, etc., your obedient servant,

WM. NELSON CROMWELL,
Counsel New Panama Canal Company.

Again he writes:

NEW YORK, December 21, 1898.

MY DEAR SIR: Further to my letter of December 5, 1898, receipt of which was acknowledged by your favor of the 5th instant, I beg leave to say that we are advised by our consul at Bogota that the official minutes of the session of the House of Representatives declares that the bill concerning the extension of the New Panama Canal Company has not been acted upon for lack of time. We, however, yesterday received further cable advising us that the Government—

That is, the President—

had granted the extension subject to the approval of the next Congress, and I note from this morning's Herald that similar advices have been received by the press.

It is the opinion of the Government executives and of ourselves that power to give such extension is already located in the Government by the terms of the original concession; but the formality of ratification will be requested in due course, and of its being granted we have not the remotest apprehension.

You will thus see that my confidence in the attitude of Colombia, as indicated in my last note, has been fully and quickly confirmed.

Faithfully, yours,

WM. NELSON CROMWELL,
General Counsel New Panama Canal Company.

Now, there Cromwell gives the account of the disastrous thing. There stood the Panama Canal Company with the concession which would expire on the 23d of October, I think it is, of the present year, offering to sell to the Government of the United States its property, and in order to get a fair standing before the people of the United States they wanted to have the concession extended for how many years more? Six. They felt that was long enough to fool us.

Does anybody believe that any company expected, with \$13,000,000 in its treasury and no credit in France, to complete in six more years that canal upon which they have already been working for eighteen years, and upon which they had spent \$260,000,000 in French gold, and had merely excavated and dumped two-fifths of the excavation, without any structure whatever—any locks or anything else?

Now, this man Cromwell was preparing to perpetrate a double fraud—one upon the people of Colombia, to induce them, for they are an ignorant people in the mass, to suppose that he was going ahead to complete the canal, and the other to induce us to believe that he had six years more time to interfere with us down there and that we had better accept his bid. He wanted to become the vendor of the rights, or the supposed rights, of the canal company.

What are they worth to him or to them? Who is going to work out those rights for them? What right have they to demand more than their concession provides—that if they fail, as they have done now for twenty years, to complete the canal, which they promised to complete within twelve years, their rights are forfeited to Colombia?

What right have we to interfere and say they are not forfeited or shall not be forfeited or that we will assist in a civil war that was brought about by the very acts of Sanclemente in receiving a million dollars from that company, contrary to the express vote of the Congress, which voted down the proposition?

Why are we making ourselves a party to that? Why have we always hugged to our bosom these reprobates, this gang of convicts, that Admiral Walker in his report reproaches as such, and

proves the fact? Why are we to make them the real vendors of all that we are to get from Panama?

Senators, look into article 22, the last clause of this treaty, and then look to a speech I made in the Senate a few days ago, in which I brought in this statement of M. Delcassé, the premier of the French Government, in reply to the interpolation in the Chamber of Deputies. Look to his statement and see what has taken place between the Government of Panama and France in regard to making provision for the control of the construction of a canal in America.

Then go back to your books and read up the history of these things in Congress and read the resolutions of Congress so often passed that no European government should be allowed to control in any form the construction of a canal on the American Isthmus. Then ask yourselves the question, Why is it that we are figuring, doing everything that human ingenuity can suggest, to place the New Panama Canal Company in the position of the real vendors of these rights?

M. Delcassé made Panama pledge itself, as the condition of his recognition of her independence, that in addition to maintaining the rights of all French citizens and all of the canal rights, she would especially maintain that infamous extension for which Sanclemente was bribed with a million dollars of French gold—that concession which, when it was rejected by Congress, Sanclemente said he intended to accept anyhow, and which caused the Congress to vote his office vacant, to adjourn sine die, and then go home and prepare for the exigencies and the awful distresses of a civil war.

There the Panama Canal Company, by its fraud and villainy, interfered and opened the veins of the people of Panama—its men, women, and children—subjected their stomachs to starvation and their country to every form of distress to maintain that proposition which Cromwell, in the letter which I have read to you, said to the Secretary of State would be sustained anyhow.

That was done, as we know and as everybody knows, not with the purpose or expectation of finishing the canal, but of putting another coat of varnish on the gold brick which they were dropping into the lap of the United States. That is the whole story. It is not a very lengthy one; but, oh, my God, how disastrous!

Here, again, when it becomes necessary that they shall again become the vendors of this property, and when their concessions from Colombia have only five or six months now to run, they go and get the French Government to interpose and to put a barrier in our way to acquiring this property from Panama.

They say, "You must first, before you gain absolute rights to any property in Colombia, make a contemplated contract with the Panama Canal Company and consummate it." We cross our hands and ask France and Panama to lead us along in following the train of the martial procession in Panama.

Mr. FAIRBANKS. Will the Senator from Alabama allow me to interrupt him?

Mr. MORGAN. Certainly.

Mr. FAIRBANKS. Do I understand the Senator's position to be that if we are to build the Panama Canal we should wait until the concession to the Panama Canal Company lapses, and then deal only with Panama or Colombia, as the case may be, purchasing the canal property from them?

Mr. MORGAN. I have not given the slightest hint, that I am aware of, as to what my position is upon that proposition.

Mr. FAIRBANKS. I am not aware of the Senator's position.

Mr. MORGAN. I have not given the slightest hint.

Mr. FAIRBANKS. And I am interested to know.

Mr. MORGAN. I am very chary about expressing any opinions at all, for the reason that, although they may be for the benefit of the Government, there are a lot of newspapers and people in the United States who would at once jump upon them and denounce them as being unpatriotic and false and as being contrived for the purpose of preventing the building of any canal at all at any place on the Isthmus.

The devil sometimes, in suggesting his falsehoods against honest and sincere men, oversteps the mark, and draws upon their credulity a little too heavily. I think I can stand that.

No, if the Senator from Indiana wants any suggestion from me about it, I would say this: Do not ratify any treaty with Panama until that contemplated contract is completed.

Let us know what it is before we ratify the treaty and not bind ourselves to ratify it by the treaty before it is made. I do not think any set of gentlemen who occupy seats in the Senate of the United States ought to feel that any pressure from any source whatever could so far dull or bewilder their reflection and their conscious regard for the honor and interest and welfare of the people of this country as to lead them to adopt in advance by treaty an arrangement which as yet is only contemplated, and where we put the whole power in the possession of the French Government this time—which backs the New Panama Canal Company—to say to us, "You must go a little higher; you must do

this or that or the other; you must add something to the old contract."

When we ratify this treaty we will have our hands tied, and they can compel us to do it or else drive us out of Panama. That is all I have to say about it just now. I think we had better wait a while and see what they are going to do before we jump.

Mr. QUARLES. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. MORGAN. Certainly.

Mr. QUARLES. As I understand the position of the Senator regarding the French treaty, he thinks the supposed extension of six years is utterly void by reason of the circumstances he has stated?

Mr. MORGAN. Yes.

Mr. QUARLES. And that the concession will expire next October?

Mr. MORGAN. Yes, certainly. It will expire next October by its own terms, and the prolongation is void because the Congress of Colombia voted it down. That is reason enough. They would not receive it, and they were authorized by the constitution and the only power authorized to act. Sanclemente said: "Notwithstanding the vote, I will accept the money by a decree of my own."

They said: "If you do, we will take your office from you. You will no longer be President." He declared the entire Republic in a state of siege, and they went to war. How long did they fight? For nearly three years. I can prove that to the Senate by persons of the highest character. I can prove by the message of the President of the United States virtually that the lives of not less than a hundred thousand people were sacrificed in that war, and that it cost Colombia not less than \$6,000,000.

I now have a statement which I will read in an executive session some day, if you desire to hear it, from one of the best men who ever lived, who has resided for years and years in Colombia and was there all during the civil war. I think we will believe him.

When the civil war was raging, with strong armies in the field, Sanclemente, in April, 1900, by a decree as dictator, accepted the \$1,000,000 from the Panama Canal Company and made a decree confirming the extension from 1904 to 1910 of the Wyse concession.

Those are the decrees which France has pledged Panama to ratify and that we accept in the twenty-second article of the treaty, and make all of our rights there dependent upon the question whether or not we can make and consummate a contemplated purchase of the property of the Panama Canal Company.

Now, gentlemen, I am not varnishing anything or overcoloring anything. I am stating facts as solid as the floor I stand on, and more so, for they are imperishable.

Sanclemente was then removed from the Presidency by a decree of the supreme court of Colombia, and Marroquin, as Vice-President, succeeded to the Presidency.

Marroquin prosecuted the civil war with all the power he possessed until its termination in November, 1902, by the capitulation of the army of Herrera, which would never have taken place but for the presence of our ships and marines to prevent an attack on Panama City.

Who said that? That honest, grand old admiral, Silas Casey, in two dispatches to the Secretary of State. He twice said in effect: "If I had not been here, Herrera would have been in Panama, and the government would have been overturned." The President of the United States prevented it. He superintended the movement and so arranged it that the troops of the Liberals should have no chance in the world, while the troops of the Jesuits or the church party should have all the chances they wanted, and that is what prevented Panama from being free then.

It was that act to which I referred in the denunciation which the Senator from Massachusetts [Mr. LODGE] did me the honor to read from his desk yesterday—that outrageous conduct on the part of our own President to which I was then referring, just as violent and as much in the teeth of the law then as this last act.

He has never done a lawful act with respect to Panama in his attempt, as he states, to protect the transit. He has all the time been protecting Marroquin in the Presidency and protecting the Hay-Herran treaty—first, the chance to make it and then the chance to ratify it, and when it became necessary to get the canal anyhow, treaty or no treaty, he turned in favor of the Liberal party and put it in power in Panama and turned his back on the Jesuits.

Now, if there is any Senator who questions any part of this statement, I will thank him to point it out. I make this observation because this is the crucial point as to the lawfulness and the propriety of the present relations of the United States with France and with the New Panama Canal Company, and also with Colombia and the nascent Republic of Panama.

The efforts of that company to sell its concessions and diggings to the United States is the origin and is to be the end of this

series of tragedies and destruction, all of which are now shut up in a Pandora box, wrapped in a flag of the United States, that was escorted by a rear-admiral of the Navy across the hemisphere.

I will not take part for or against the President in his quarrels with his former diplomatic confidant and friend, President Marroquin. Nor will I join him or oppose him in his tirade against the Colombian Government and the people of Colombia through his mouthpiece, Loomis, Acting Secretary of State. If Reyes, President-elect of Colombia, who is here, can bear such things with equanimity, I have no cause to resent them.

There is something in that incident too incongruous with our relations to a sister republic, whose ministers are welcomed by the entire Government to diplomatic privileges, to admit of deferential comment. It is something new and strange at this capital.

I have not desired close and mixed relations with Colombia in the judicial, police, and military control of a canal zone, because I believe that such relations would soon lead us into armed conflict with Colombia. In other words, into war with Colombia.

One of the most certain causes of such conflict is the composite and desperately bad character of the hordes of people along the canal route and in Colon and Panama that have congregated and will gather there from all of the degraded places of the world. If they can be ruled it must be with a rod of iron in the hands of absolute power.

I will not now speak of the climate. Its deadly history will soon be repeated and I need not anticipate its horrors.

What I will speak of is the attitude of the Government and people of the United States, into which we have been drawn by the strenuous and deliberate disobedience to the laws of the United States enacted by Congress, and of our Constitution, and of the laws of nations.

I have expressed these propositions in the resolutions under consideration, and propose to ask the vote of the Senate upon them.

Those who are not bound by official oaths or upon whom they may sit lightly may feel warranted in taking a less serious view of the situation than I can, and may weigh duty in the scale with coveted results and be satisfied to see duty and honor kick the beam. One fact I can state with entire confidence. It is that until the New Panama Canal Company thrust itself into our canal affairs our only trouble as to canal construction, ownership, and control arose out of the Clayton-Bulwer treaty.

When that trouble disappeared the votes in the Fifty-sixth and Fifty-seventh Congresses demonstrated that the people were in fact a unit, as far as such a thing is possible among 85,000,000 of population.

In this connection it would be very unfortunate, if it is not a dereliction of duty, if we fail to give due consideration to the fact that this company has never approached our Government in the character of a seeker of financial assistance to enable it to work out its contracts with Colombia and to complete the canal.

Its approaches have been made and are still being made as the vendor of its concessions and its property to the United States. Its purpose is to get rid of its property for a price and to divide the purchase money between its stockholders, in certain proportions, to be settled without reference of that matter to the purchaser in any form.

The purpose of France at the same time is to get rid of a body of debt to which it became fastened when its people paid twenty-one hundred million francs to that enterprise, which have been sunk in the mire of Panama.

If we buy these concessions and property from that company, we take all risks as to title and incumbrances upon the property, and the still more hazardous risks as to the ultimate success of the work of completing the canal, and as to its cost and the time required to complete it. I see no occasion for paying \$40,000,000 for those risks.

The canal zone, as it is projected, is 10 miles wide and about 158 miles long, from ocean to ocean, out to the 3-mile limit, and it includes all the work hitherto done on the canal and on the Panama Railroad, and all the real and personal estate owned in Panama by each company.

If the interests of Colombia, of every nature and degree, and all her rights of government and of ownership, whether in the present or the future, were passed to Panama as the successor in sovereignty—a proposition I do not admit, but state only for the sake of the argument—then the relations of the New Panama Canal Company to the Republic of Panama are the same, without change, as they were with Panama, and so far as the laws of Colombia fix and define those reciprocal or other relations they bind the company and Panama alike and can not be changed, except by mutual consent, where they comprise the terms of contracts or concern vested rights.

Colombia never gave to France any pledge, promise, assurance, or even any intimation as to the protection or care or supervision she would exert over the old company or to the new company.

No such thing can be found in her laws or treaties or even in diplomatic notes between these Governments, and France has always been understood, with no intimation to the contrary, to occupy the same relation to the New Panama Canal Company as if it was a private partnership dealing in merchandise of building structures in a foreign country on its private account. That is distinctly the opinion stated by Attorney-General Knox, that that is the relation which France has to it.

Now, to get the case clearly before the Senate as it now stands it is necessary to present a new state of facts and diplomatic relations between France and the Republic of Panama, relating to the property and rights of every kind that are claimed by the New Panama Canal Company as having been derived under the concessions from Colombia.

The official account of these new relations is given in the following statement of M. Delcassé, the French premier, to the French Assembly:

LATEST INTELLIGENCE—M. DELCASSÉ ON FOREIGN AFFAIRS.

PARIS, November 23, 1903.

In the course of the debate on the budget for foreign affairs in the Chamber of Deputies this afternoon, M. Delcassé, the minister for foreign affairs, made an important statement on some of the questions of the day. He began by congratulating himself on the circumstance that all the political parties had expressed their opinion on all the questions of foreign politics. He now proposed to give the explanations of the Government with a brevity consonant with his functions, which demanded deeds rather than words, and with the reserve which those functions imposed upon him.

In reply to the inquiry whether the Government had officially recognized the new State of Panama, he gave the following particulars. On the 3d instant, for reasons as to which they were not called upon to express an opinion—

The Government of France would not express an opinion—

as it was not for them to interfere in the domestic affairs of another country. The Department of Panama constituted itself into an independent republic. Having received notification of that fact, and from the moment that the new Republic fulfilled the conditions necessary for the maintenance of order and security, they had only to consider what guarantees it offered from a French standpoint. They were not quite free from apprehension for a certain time.

For many months past it had been said at Bogota that the decision of the Colombian Government to grant an extension of six years from 1904 for the completion of the canal was contestable, and that in 1904 the concession might be declared to be forfeited. If that theory had on any occasion been officially formulated, it would never have received the sanction of France; but it was the strict duty of the French ministry to demand from the Government of Panama a preliminary assurance that all French interests, including the rights of the concession, would be respected. They had received the following formal and decisive assurance:

"The Republic of Panama solemnly, expressly, and definitely undertakes vigilantly to protect French interests, as also to maintain and to interpret in the most liberal spirit the contracts concluded before November 3. Those contracts referring to the Isthmus follow the transmission of sovereignty and bind the Republic of Panama. All those contracts are maintained, and particularly the contract prolonging the concession up to 1910."

M. Delcassé added that in these conditions all that remained for them to do was what, as a matter of fact, had already been done by the Government of the United States—namely, to permit the agents of France to enter into relations with all the agents of the new Republic of Panama.

Permit what?

The agents of France to enter into relations with all the agents of the new Republic of Panama.

No more important statement was ever made as to our future policy than this compact with Panama imposes on the United States. Not even the declaration of the Holy Alliance, that called forth the response of the Monroe doctrine, was more significant than this compact between Panama and France.

On the part of Panama it is the condition imposed by France upon which her independence is based. On the part of France it is the direct challenge and refutation of the attitude of the United States toward an isthmian canal, as it was announced by the vote of the Senate upon the resolution I now read and propose that we will repeat it:

Resolved, etc., That the Government of the United States will look with serious concern and disapproval upon any connection of any European government with the construction or control of any ship canal across the Isthmus of Darien or across Central America, and must regard any such connection or control as injurious to the just rights and interests of the United States and as a menace to their welfare.

That means as a cause of war, but is phrased in diplomatic language.

This resolution was adopted in 1889, by nearly the entire vote of the Senate, and received the favorable report of Mr. McCREARY, now a member of this body, as chairman of the House Committee on Foreign Affairs.

It followed other resolutions of the same import reported to the Senate in February, 1881, by Mr. Eaton, and was followed by another in the same terms in May, 1881, by Mr. Burnside, who succeeded Mr. Eaton as chairman of the Committee on Foreign Relations. I will read the resolution reported by Mr. Eaton:

February 13, 1881.—Mr. Eaton, from the Committee on Foreign Relations, reported the following resolution:

Resolved by the Senate (the House of Representatives concurring), That the interests of the people of the United States of America, and the welfare and security of their Government are so involved in the subject of the construction of ship canals and other ways for the transportation of seagoing vessels across the isthmus connecting North and South America, that the Government of the United States, with the frankness which is due to all other peoples and governments, hereby asserts that it will insist that its consent is a necessary

condition precedent to the execution of any such project; and also as to the rules and regulations under which other nations shall participate in the use of such canals or other ways, either in peace or in war.

The resolution of 1889 was the quick response of the Congress to the action of France in the enactment of a lottery law in aid of the Panama Canal Company, on June 8, 1888, in which it was provided:

ART. 3. All material necessary for the completion of the (canal) works shall be manufactured in France. The raw material must be of French origin.

Even this slight aggression by France was resented by our Senate.

Mr. Burnside, in his report in 1881, speaking for the whole committee, said, in speaking of the Monroe doctrine:

This declaration has since been known as the "Monroe doctrine," and whilst it does not directly apply to the construction of an interoceanic canal, the principle underlying it, which principle lies at the very foundation of our public welfare and safety, leads us to the announcement of the doctrine contained in the resolution.

We are now asked to reverse and annul all these resolutions and to provide by treaty with Panama that our canal rights in that country shall depend upon "a preliminary assurance that all French interests, including the rights of the concessions, would be respected."

M. Delcassé stated to the French Chamber of Deputies that—

For many months past it had been said at Bogota that the decision of the Colombian Government to grant an extension of six years from 1904 for the completion of the canal was contestable, and that in 1904 the concession might be declared forfeited. If that theory had on any occasion been officially formulated, it would never receive the sanction of France.

Thus it is announced by that Government that France had all the time stood ready and was in fact, though secretly, in "connection with the construction and control of the ship canal" across Panama. France knew, as we knew, that the Congress of Colombia had the right, under the express terms of the Constitution of the Republic, to refuse to confirm the extension of the period for the Panama Canal for six years from 1904, and that it had so refused when Sanclemente, President of Colombia, had laid the contract before them and asked them to ratify it.

This contract was in aid of the construction of the canal and was indispensable to its completion after 1904, when all prior extensions would expire. To force Panama, as a condition of her recognition, to pledge her acceptance and protection of this extension, which was rejected by the Colombian Congress, was a direct control over the construction of the canal.

The year 1904 has arrived, and 40,000,000 tons of earth still remain to be removed from the canal ditch. The New Panama Canal Company boasts that it has been most skillfully, diligently, and successfully at work on the digging of the canal since 1890 and has removed 10,000,000 tons of earth from the Culebra and Emperador cuts.

At that rate it would require at least thirty years to complete the digging of the canal, to say nothing of the dams at Bohio and Alajuela and the great locks and the deepening of the harbor at Colon, which is to cost more than \$8,000,000.

France also knows, as we know, that the terrible civil war in Colombia, from 1898 to 1902, was caused by the declaration of President Sanclemente, that he would grant the extension of the Wyse concession to the French company until 1910, and that in April, 1900, while Colombia was in the throes of civil war and all Colombia was in a state of siege, Sanclemente, as dictator, decreed the ratification of the contract with the New Panama Canal Company, which Congress had refused, and took the \$1,000,000, which the people of Colombia still regard as a French bribe.

France knows that Colombia lost not less than 100,000 lives in that war and not less than \$6,000,000 in treasure.

France knows, as we know, that it was this aggression of the New Panama Canal Company that was one of the principal causes of the rejection of the Hay-Herran treaty by the Congress of Colombia.

France knows the date, but has not stated it, when she extorted from Panama, as a condition of her recognition of that alleged government, "the following formal and decisive assurance," as it is stated by M. Delcassé:

The Republic of Panama solemnly, expressly, and definitely undertakes vigilantly to protect French interests, as also to maintain and to interpret in the most liberal spirit the contracts concluded before November 3. Those contracts referring to the Isthmus follow the transmission of sovereignty and bind the Republic of Panama. All those contracts are maintained, and particularly the contract prolonging the concession up to 1910.

That is the pledge of Panama. It is very early making pledges—a young government which had not been born six days when that pledge was made.

France has watched these proceedings attentively, and, while it has silently sanctioned the attitude attributed to it by our Attorney-General, that France had no right to interfere with a sale of its property by the New Panama Canal Company to the United States, because that company was a mere private partnership, that Government has all the time intended to enforce the Sanclemente usurpation and to compel Colombia to ratify it.

The crisis came when the "uprising" took place at the city of Panama, and France, knowing that our President intended to protect the secessionists in a declaration of independence, took time by the forelock and made a treaty or compact with Panama, on the terms stated by M. Delcassé that I have just quoted.

This treaty gives the Panama Canal Company until 1910 to complete the canal, and makes France and Panama the sponsors for its force and validity.

If we should get possession of Panama without having first paid for that canal property, France would make a question with us under this treaty that we were obliged to execute it and that the Government of Panama, or the Government of the United States if it should annex Panama, could not follow the Congress of Colombia that declared this contract void and refused to allow it. It must reverse the action of that Government for the sake of making France a friend of Panama. There is where we are.

The French Government, through its diplomatic powers and its department of foreign affairs, is now the party to whom Panama is responsible for the performance of that obligation. The Panama Canal Company, that derived its powers to make contracts from the Government of Colombia, makes no contract with Colombia. The contract is made with France, because France has gained the control of the entire subject by compact with Panama.

How the resolutions of our Senate, and the warnings of our Presidents to European nations, and the stern admonitions of our Secretaries of State—all of them except Mr. Hay—wilt and shrink into insignificance when France and Panama agree and our President consents to this stroke of French diplomacy is too sad a picture for an honorable American to contemplate.

The faded laurels of our former statesmen fall in showers upon the earth to hide some of them and to conceal the graves of others.

But has the President or Mr. Hay been a party consenting to this compact between Panama and France? It was either before or after the date of this agreement, it makes no difference which is the true date, our President and Mr. Hay knew of this compact and agreed to carry it into effect, and did provide for it in the last clause of the treaty with Panama.

Cromwell was in Paris and Varilla was in New York, and they were prepared to rush the work, by cable, that would place the New Panama Canal Company under the shelter of the French Government, and to gain the permission of France to make terms with Panama, under her authority, that would compel the United States to come to its terms in the matter of the price and the conditions on which it would consent to sell its concessions from Colombia and its canal property and its railroad stocks to the United States.

This could only be done by making terms with Panama. The terms were prescribed by France and accepted by Panama on its knees. They were that Panama—"the child of the United States," as it was christened by Varilla—should, as an American independent republic, as it was christened and anointed by our President, exercise its sovereign powers over the property of Colombia, and in that exalted station should give to France all the right to control the construction of an isthmian canal between Colon and Panama that Colombia had granted to N. B. Wyse and his successors; and the acknowledgment of the independence of Panama was based on that condition.

The rights of the New Panama Canal Company were not wiped out by this arrangement. They were placed in the hands of France in trust for her people who had interests in the canal and the railroad.

If Colombia had made the same arrangement with France, we would either have gone to war to prevent the destruction of the Monroe doctrine or we would have been forced to abandon it.

Or if we had openly abandoned that doctrine, we would have gone to war for the preservation of the more distinct right of protecting our widely separated seacoasts and our commerce by enforcing the theory, asserted and repeated by every American statesman in our country, that it would be a just cause for war, on the ground of self-defense, if any transoceanic nation should attempt to control or assist in the construction of a ship canal across the American Isthmus.

Instead of this, our President, with even ridiculous haste, made a treaty with Panama which not only admitted the propriety of the situation created by the compact between Panama and France, but made provision in addition that we would acquire no absolute right to any property purchased from Panama and paid for until we had consummated the "contemplated purchase" of the concessions and property rights of the New Panama Canal Company under the treaty or compact between Panama and France, for the full operation and effect of which our treaty with Panama carefully provides.

All the terms and provisions of this contemplated contract are

left open for future agreement, and France is empowered by the Republic of Panama to supervise and protect the rights and interests of the New Panama Canal Company in all things, including the contemplated purchase by the United States.

That company, under the guardianship of France, now for the first time disclosed, could make no sale of its property to the United States that France does not approve or against an objection from that Government.

Instead of the sale of the canal concessions being approved by Panama, as the successor to Colombia, it must be consented to by France.

All our rights under the treaty with Panama as to any property of any description within the 10-mile canal zone are to be dependent upon the "consummation" of the "contemplated purchase," and until that purchase is made and consummated we can get no "absolute title" to the property for which we will have paid Panama \$10,000,000. That there is no room for controversy about this vital matter. No argument can be made to disprove the facts as I have stated them.

If the Spooner law is relied upon to authorize such a contemplated purchase, the fatal weakness of that prop is shown in the language of the act, which fixes a limit not to exceed \$40,000,000 on the cost of the property. The first and third sections of the Spooner law are fatal to a "contemplated purchase" of the property and rights of the New Panama Canal Company, because (1) the purchase price is limited to \$40,000,000 and (2) the President is required to obtain control of the canal zone "by treaty" from the Republic of Colombia.

Whatever rights may have passed from Colombia to Panama by its secession, the right of the President to dispose of even \$40,000,000, to say nothing of an unlimited sum of money, by treaty with Panama, or on the predicate of such a treaty, is not provided for in the Spooner law or in any other law.

I will now read sections 1 and 3 of that law, which are all that bear directly upon that subject:

An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Be it enacted, etc., That the President of the United States is hereby authorized to acquire, for and on behalf of the United States, at a cost not exceeding forty millions of dollars, the rights, privileges, franchises, concessions, grants of land, right of way, unfinished work, plants, and other property, real, personal, and mixed, of every name and nature, owned by the New Panama Canal Company, of France, on the Isthmus of Panama, and all its maps, plans, drawings, records on the Isthmus of Panama and in Paris, including all the capital stock, not less, however, than 68,863 shares of the Panama Railroad Company, owned by or held for the use of said canal company, provided a satisfactory title to all of said property can be obtained.

SEC. 3. That when the President shall have arranged to secure a satisfactory title to the property of the New Panama Canal Company, as provided in section 1 hereof, and shall have obtained by treaty control of the necessary territory from the Republic of Colombia, as provided in section 2 hereof, he is authorized to pay for the property of the New Panama Canal Company \$40,000,000, and to the Republic of Colombia such sum as shall have been agreed upon, and a sum sufficient for both said purposes is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.

Here a sum sufficient for both of two distinct purposes is appropriated, by which \$40,000,000 may be applied and paid to the New Panama Canal Company on certain conditions, one of which is that the President "shall have obtained by treaty control of the necessary territory from the Republic of Colombia, as provided in section 2 hereof." Such control is the basis of this appropriation in connection with the conditions that apply to and control the treaty with Colombia, and is superadded to the conditions that are the basis of any payment of money to Colombia, so that all these conditions must exist before the President can issue any warrant to the Panama Canal Company.

The basis of his right to draw his warrant, in either case, is the treaty with the Republic of Colombia. Such a treaty has become impossible by the action of the President, and the entire appropriation fails. The Hay-Varilla treaty is not a treaty with the Republic of Colombia, in any sense, and certainly not within the meaning of the Spooner law. A thing that was clearly not thought of by the lawmaker is not a part of any statute, and Congress in enacting the Spooner law had no reference to a secession of Panama from Colombia.

The conduct of France in making this compact or treaty with Panama is in open violation of her pledge to the United States on March 22, 1880, as follows:

LEGATION OF FRANCE,

Washington, March 23, 1880. (Received March 23.)

MR. SECRETARY OF STATE: Since the time when it was proposed to form a company for the construction of a canal through the Isthmus of Panama, I have several times had occasion in our interviews to communicate to you the views of my Government with regard to this project. I have informed you that the French cabinet had from the outset expressed its firm purpose to allow the character of the enterprise inaugurated by Mr. De Lesseps to remain an essentially private one and that it did not propose to deviate from that course. Although we have for the conceptions of our eminent compatriots the sympathy which it is impossible not to feel for projects whose accomplishment would be an honor to civilization and to the age in which we live, the French Government, as I have had the honor to assure you, is in no way concerned in that enterprise and in no way proposed to interfere therein or to give it any support, either direct or indirect.

I am happy to be authorized to comply with the desire which you have expressed to me by now renewing in writing assurances which I have no doubt will put an end to all uncertainty as to the nature of the purposes entertained by my Government.

Be pleased to accept, etc.,

MAX OUTREY.

Now I will read the answer to that communication from the Secretary of State, which follows:

DEPARTMENT OF STATE,
Washington, March 25, 1880.

SIR: I have the honor to acknowledge the receipt of your note on the 22d instant, wherein you refer to the statements you had previously made to me, now repeated, that the French Government had from the outset expressed the firm purpose to leave to the enterprise inaugurated by Mr. De Lesseps for the construction of a canal through the Isthmus of Panama its entirely private character.

I notice also that you observe that even if you have sympathies with the conceptions of your distinguished fellow-citizens, the French Government, as you have heretofore said to me, is absolutely a stranger to the enterprise and does not intend to participate therein in any manner, nor to give it any support, direct or indirect.

In reply I have the honor to assure you that I have at all times received the statements with an entire confidence in the open sincerity and good faith of the Government of France in making them, and am happy to find in this renewed and more formal representation now made a complete conformity with the repeated assurances heretofore given me in the name and by the authority of your Government.

Accept, etc.

WM. M. EVARTS.

We have been resting on that pledge all this time. France has been breaking it from time to time in her legislative conduct, and now she comes out boldly and assumes a place on the stage as the real representative not only of the canal company but of this special ten years' concession.

This correspondence was occasioned by the visit of De Lesseps to the United States, and by his efforts to enlist the governments of Europe in the support of the Panama Canal project.

The Senate of the United States was not satisfied with the French disclaimer, and passed the Eaton-Burnside resolution to notify France and all the European states that such intervention in the construction or control of any American isthmian canal would be considered as an act unfriendly to the United States.

From the beginning down to the date of the treaty with Panama no American President or statesman has tolerated the thought that France could be permitted in any way to control the construction or the operation of the Panama Canal, and France has never attempted to do so openly.

The arrangement made between France and Panama is a distinct breach of plighted faith on the part of France, and must be regarded as an act unfriendly to the United States, unless our President invited the aggression, or tolerated it to compass his ambition, which even he does not conceal, to crown his present Administration with what he vainly conceives to be the glory of locating a canal, to be built by the United States, at Panama.

If France was now what she was in 1880, she would not attempt to violate her written pledge, made by her minister, to the United States, and members of her embassy would not now be at work in this country in giving aid to the schemes of the New Panama Canal Company and to the intrigues of Cromwell and Varilla.

If the Republican party were now what it was during the forty years from Lincoln to the end of the life of McKinley, France would not be permitted to encourage and adopt such flagrant violations of her plighted faith.

Far less would any President, Republican or Democrat, have arranged, in a treaty with Panama, to place the United States at the mercy of the New Panama Canal Company by approving in advance, and by giving the force and solemnity of the supreme law of the United States, under the Constitution, to a contemplated contract for the purchase of the concessions from Colombia, and of the canal rights and railroad rights and property of the New Panama Canal Company.

A statute that seeks to confirm a contemplated contract not in existence at the time of its enactment would be wholly inoperative unless the terms of the contract were so defined in the act that it would be clearly capable of identification.

An authority given by an act of Congress to the President to purchase certain described property for the United States, with no limit of price and no appropriation of money for the purpose, would only be a power of attorney to effectuate or to formulate such a purpose, subject to ratification by Congress.

But this is a treaty which pivots all the rights the United States are to acquire to the concessions and canal rights and property within the canal zone to take effect on the "consummation of" a contemplated purchase of that property from a third party, and it is void because the event on which the title to the canal zone or to this property is to become absolute is not defined in the treaty.

It is only an agreement to make a grant upon a condition that may happen in the future, which condition can not be identified by the terms of the treaty. It is a fast-and-loose bargain that either party may ignore or repudiate at pleasure.

But, if the treaty was capable of being understood by reference

to its terms, the judgment of mankind revolts at the idea of engaging with such an unorganized dummy and such a false pretense of a government as Panama was when this paper was signed in enacting supreme laws for the people of the United States.

I need not describe it. Every schoolboy in the land has looked it over as he would some strange creature from some strange land, and when told that our President has created this sovereign by a wave of his hand and ranks its power in making supreme laws for the United States as being equal to that of our 80,000,000 of people, he takes it as a political jest, laughs at the thought, and asks the question, "Is not that too awful strenuous?"

I do not approve of ridicule in the discussion of great measures of state, but when they suggest nothing that is worthy of our reasoning faculties, or that has no precedent in all history, a merry answer is better than one that is contemptuous, where either is conclusive.

But we are going on record as to this proceeding and our measure is being taken by all great nations and many smaller ones, and we must take ground on which this Republic can stand in all the varied and dangerous events that must attend our career as the grand Republic of the world and, at this hour, possibly, the most powerful of nations.

In this very proud position we are more than ever the target for the jealousies of every monarchy, kingdom, and empire in the world, and we should be more than ever guarded against their intrigues couched in flattering assurances of benevolence and even of love.

As to European affairs, we seem to have been almost overcautious. We repressed all censure of the Boer war because we had horses and mules to sell to the British, and we threatened to address a remonstrance to Russia about the Jewish persecutions at Kishinef, but repressed it for the sake of international comity.

We rushed a ship to Beirut, where there was no fortifications, and waved our flag in the Assyrian winds, but nobody was hurt, not even our insulted vice-consul.

Our moderation has given confidence to Europe that we are not aggressive as to the nations that have fleets.

So we hoped for peace and justice as the established policy of the grand Republic, and for the safety of the Monroe doctrine through the forbearance of the powers beyond the seas.

But it has turned out that as to the American republics we can not withstand the allurements of gain or ambition; that if they have anything we need or would like to have we must be indulged in our covetousness; or that if we have made arrangements with any of them that stand in the way of a more spectacular ambition for what some call glory they must quietly accept our resolve to break those agreements and ask no questions.

Now, I wish to be exact and true in statement and succinct and pointed in the proofs I will lay before the Senate to sustain the declaration that, in respect of our struggle for an isthmian canal, we have been led into the unfortunate attitude toward our sister republics of America by the intrigues and heartless machinations of the old and the new Panama Canal companies.

Before stating these facts in order from records that none can justly contradict or otherwise explain away, I wish to revert to a phenomenon that is now in progress among the nations of Europe especially.

Whether the solicitude of our President has won support for his Panama policy among foreign nations I know not, but it is very clear that the press that gives him support for political reasons are jubilant whenever they can quote a European nation as having recognized the Government of Panama.

The honorable Senator from Massachusetts almost went off into a spasm of glory on Tuesday in quoting the support of other nations.

There are millions of patriotic and sober-minded Americans who are deeply concerned as to the outcome of our Panama policy and need the consolation of any well-meaning people to fortify their faith in these new and dangerous exploits of our Navy.

Yet, for good cause, they dread to see the gathering of the eagles of the European monarchies that hover over the prey at Panama. These governments, in concert, can recognize the existence of a de facto government at Panama, without giving offense to Colombia, under the usages of nations.

Such a recognition means no more than to provide for the security of their subjects in Panama, pending a civil war or an uprising against Colombia, and the safe conduct and protection of their personal and their property rights and their commercial interests. Any of these states except France can lawfully aid Colombia in repressing the Panama secession without in the least affecting their recognition of the de facto government as recognized by them.

France has made a compact with Panama to guarantee all French interests and all the rights, property, and concessions made by Colombia to the old and the New Panama Canal Com-

panies. This could only be done on the basis that Panama had succeeded to all the sovereign rights of Colombia in that Department, and was therefore sovereign and independent.

This compact between France and Panama sets France ahead of the United States as to the recognition of the independence of Panama. The rights so acquired by France are older and therefore paramount to any rights of the same sort that the United States can acquire from Panama, and as to the canal and railroad properties that compact and the Hay-Varilla treaty relegate all questions to a settlement to be made of them by the United States and France; and France is the real though not the nominal sovereign of the 10-mile canal zone for these purposes.

It was this compact that slaughtered the Monroe doctrine and that American doctrine so grating to European sensibilities, that no European nation shall control or assist in the construction of an isthmian canal in America, and the Senate is about to celebrate its obsequies.

The theory of the Monroe doctrine is that great nations should not aggrandize themselves at the expense of lesser ones, and that, as to the American republics, such aggrandizement by European powers will not be permitted, because it endangers our institutions and our rights of self-protection and defense. This is a sore spot in the heart of every European monarch, including the Pope, and they all, mutually, encourage any situation that infringes the Monroe doctrine.

France, by her quick diplomacy, which is a genuine coup d'état, prostrated the Monroe doctrine in Panama, and all the eagles of European monarchies came on swift wings to welcome her victory. I am reluctant to state the jubilant attitude of our Government in welcoming these royal guests, but I warn the Senate that our people are all looking to us for the rescue.

If the last clause of article 23 of the Hay-Varilla treaty is supported by the votes of two-thirds of the Senate, an American statesman who hereafter quotes the Monroe doctrine as a living principle of American policy will be laughed to scorn.

And this doctrine and all our oracular utterances by the Presidents and diplomatic representatives and all the resolutions of Congress about our policy as to an isthmian canal will be swept away at the command of the New Panama Canal Company.

Not this alone, but our compact with Nicaragua and Costa Rica of December 1, 1900, made at the solicitation of William McKinley, President, will be broken and swept away by the same command, leaving no memory of its existence except a deep and inefaceable stain of dishonor upon the brightest pages of our history.

All this and much more must be done or endured as a preparation for our acknowledgment of the sovereignty and independence of the Republic of Panama.

The Government of the United States has not yet acknowledged the sovereignty of that so-called Republic.

The President has taken certain very questionable diplomatic steps in that direction, but he knows that one-third of the Senate can veto that formality, and he sends a treaty to this body, the first clause of which is—

The Government of the United States guarantees and will maintain the independence of the Republic of Panama.

That is a thing which Chief Justice Marshall said could not be done.

This document is dated November 18, 1903. Its transmission to the Senate on the 7th of December as a part of the annual message of the President was the first official knowledge Congress had of the existence of such a Republic.

In that message the President says:

The de facto government of Panama was recognized in the following telegram to Mr. Ehrman:

"The people of Panama have, by apparently unanimous movement, dissolved their political connection with the Republic of Colombia and resumed their independence."

"When you are satisfied that a de facto government, republican in form and without substantial opposition from its own people, has been established in the State of Panama, you will enter into relations with it as the responsible government of the territory and look to it for all due action to protect the persons and property of citizens of the United States and to keep open the isthmian transit, in accordance with the obligations of existing treaties governing the relations of the United States to that territory."

This is the full extent to which the recognition of a responsible government in Panama has extended through any act of the President. A mere government de facto was admitted as being in possession of the power of government, not the right of government nor the independence of a government de jure, which is always admitted to be in existence, but not in power, when a government de facto is recognized as existing in a country, nor could the sovereignty that belongs to a government de jure be vested in a government de facto by its recognition as such.

This de facto character of the government at Panama was further emphasized in the note to Mr. Ehrman which I have just read, by the expression used therein, that the movement of the people of Panama had dissolved their political connection with

Colombia "by an apparently unanimous movement." While this statement overdraws the facts beyond the limit of probity, it is not a basis on which a recognition of sovereignty and independence can be made in accordance with the laws of nations.

Mr. Ehrman was a consul-general of the United States at Panama, and was not possessed of diplomatic powers. He was only a commercial agent and could not enter, lawfully, into commercial relations with the Government of Colombia under its exequatur. He had no such powers as to the municipal government of the Department of Panama or with the government of the body corporate that administered the affairs of the city of Panama.

He could only enter into relations with a de facto government in Panama, such as were commercial in their character, including the preservation of the lives and property of American citizens, rendered necessary by the absence of a government de jure. No act of his as consul could affect the rights or the status of the government de jure in Panama.

The relations that belonged to his office as consul were the only relations that he was instructed to hold with the government de facto in Panama. Nothing that he was thus authorized to do related to the overturning or the expulsion of the sovereignty of Colombia over the Department of Panama.

The next paragraph in the President's message is as follows:

The Government of Colombia was notified of our action by the following telegram to Mr. Beaupré:

"The people of Panama having, by an apparently unanimous movement, dissolved their political connection with the Republic of Colombia and resumed their independence, and having adopted a government of their own, republican in form, with which the Government of the United States of America has entered into relations, the President of the United States, in accordance with the ties of friendship which have so long and so happily existed between the respective nations, most earnestly commends to the Governments of Colombia and of Panama the peaceful and equitable settlement of all questions at issue between them. He holds that he is bound not merely by treaty obligations, but by the interests of civilization, to see that the peaceful traffic of the world across the Isthmus of Panama shall not longer be disturbed by a constant succession of unnecessary and wasteful civil wars."

It is no matter of concern to me that this message to Colombia is the first of its kind in our diplomatic history, or that it was an aggravated insult to that Republic, attended with intrusive advice as to a peaceful and equitable settlement of a question that would destroy the sovereignty of an American republic within her constitutional boundaries, and also covered a threat of coercion toward Colombia.

The act of recognizing a party of seven or eight conspirators as a government implied everything that could be conjectured as to the unlawful purposes of the President, and I have no party responsibility for the propriety of his conduct in office.

I voted against the Hay-Herran treaty because I believed it was not in keeping with the honor of our country and put at hazard its peace and prosperity, while it was an open violation of the Constitution, and the Colombian Senate voted against it unanimously on the ground that its negotiation by Marroquin was without the authority of law and violated the constitution of Colombia.

For that vote I have received from the same source the supposed punishment of official displeasure, so that I have no personal concern that our diplomatic history should have this offensive blot upon it. Some day the people will clear off these unworthy records.

Still I will not vote that a plea to Colombia for forbearance, as to the recognition of Panama as a government de facto, is a declaration by the petitioner that Panama has resumed her former independence, which, if it ever existed, she had voluntarily merged into the Republic of Colombia, and that she is in virtue of that recognition a free, sovereign, and independent republic.

The President has never, in any official paper that has reached Congress, declared that Panama is a free, sovereign, and independent state. If he had done so, his declaration would have no more effect upon the rights of Colombia, under the international law or under the powers conferred on him in our Constitution, than if he were to declare that Ireland was a sovereign kingdom and independent of Great Britain.

Our organic laws do not permit the state of facts relating to the sovereignty of other nations to be manufactured by Presidential recognition. If such a power exists to bind the United States by putting a false declaration upon our official records, it can only be exercised effectually by the supreme political powers of the people, delegated by them to the Congress of the United States.

Where was the government de jure over the Department of Panama when the recognized government de facto was in the hands of the junta or mob in Panama? Who was the President addressing, if it were not the government de jure over Panama, when he sent the officious and gratuitous message to Colombia with a plea for peace?

Why did the President cajole Colombia with allusions to "the ties of friendship which have so long and so happily existed between the respective nations," when his message was the first announcement of the rape of her territory and of the shame to her

sovereignty that he was then preventing Colombia from redressing by the duress of threats and with fleets of armed ships?

The President, when his petition for peace was presented to Colombia, as the government de jure, rose from this affected humility and at once proclaimed himself as the conservator of universal peace, in the words I have quoted from his message, and, in that character, he informed Colombia that "he"—not the United States—"holds that he is bound to see that the peaceful traffic of the world across the Isthmus of Panama shall no longer be disturbed by a constant succession of unnecessary and wasteful civil wars."

To support this boastful pretension he alludes to treaty obligations that were perverted, and "the interests of civilization," as to whose vast interests there is no record or tradition of this self-constituted guardianship. It is only a vainglorious boast of usurped authority.

If this was the mission of our President to prevent civil wars in Panama, in order to protect "the peaceful traffic of the world across the Isthmus of Panama," why did he not inform Colombia of the fact that in May, 1903, Mr. Beaupré, our minister at Bogotá, had informed him that the representatives of the coast Departments of the Cauca, Panama, and Bolívar would urge the ratification of the treaty as the only means of preventing the secession of those departments and the attempt to constitute of their territories an independent republic.

Possessed of a knowledge of these facts, a friendly government, assuming the broad guardianship of "the interests of civilization" and anxious for "the peaceful and equitable settlement of all questions at issue between" Colombia and its departments, would have forewarned that Government of this treasonable threat, and to keep its "treaty obligations" "to see that the peaceful traffic of the world across the Isthmus of Panama shall no longer be disturbed by a constant succession of civil wars," it would even have gone to the extent of withdrawing the treaty, or, at least, of saying to Panama and its representatives in that Congress that, in the language of the treaty of 1846, the United States is bound to "guarantee positively and efficaciously the rights of sovereignty and property which Colombia has and possesses in Panama," and you must not attempt to secede from Colombia under any expectation that this Government will encourage or aid you, or that it will in any manner prevent Colombia from the full constitutional rights she possesses to enforce her laws in Panama.

It is needless to dwell upon the noble attitude that such a course would have given to the President and our Government in the contemplation of all nations, or how it would have moved the Congress of Colombia to repose faith and confidence in the United States. Unquestionably, such a course would have removed the suspicions from the minds of the people of Colombia that were being fostered by vile interlopers and lobbyists, some of whom were agents of the Panama Canal Company and others were citizens of the United States.

APPENDIX.

[Washington Post, December 7, 1903.]

TWO CRITICAL DAYS—UNITED STATES AND COLOMBIAN FORCES NEARLY CLASHED—DIXIE CAME JUST IN TIME—BROUGHT SUFFICIENT FORCE TO OVERAWE COLOMBIANS AT COLON—SEVENTY UNITED STATES MARINES HAD FACED ANNIHILATION BY 450 COLOMBIAN VETERANS—COLONEL TORRES AGREED TO LEAVE COLON FOR \$3,000, BUT HIS MEN REFUSED FOR SOME TIME TO EMBARK—STIRRING EVENTS OF PANAMA REVOLUTION,

COLON, REPUBLIC OF PANAMA, November 23, 1903.

There were two days at Colon when a few Americans under the command of Lieutenant-Commander Witzel, United States Navy, faced a desperate chance and looked it calmly in the face, and although this is the custom of our sailors and soldiers the world over, and although the terse press dispatch and the formal and modest report given out at Washington by the Navy Department covered the happenings here on November 4 and 5, still the few men who met a dangerous situation with unflinching courage and faced the possibility of a fight against great odds, with never a quiver, deserve that their actions be recorded more in detail and fairly presented to the people at home.

On November 2 the United States gunboat *Nashville*, Capt. John Hubbard, came into Colon. Her presence was welcome on both sides of the Isthmus to every man concerned in the brewing secession movement, but the surface observer of affairs saw nothing to make her coming necessary; there was apparently no revolution on foot, and the traffic over the Panama Railroad did not appear to be threatened.

COLOMBIAN TROOPS ARRIVE.

The next morning, Tuesday, November 3, the Colombian gunboat *Cartagena* unexpectedly steamed into Colon with 450 Colombian troops on board. This news was flashed over the wires to the other side, and the whole Isthmus waked up. At once there was nervous excitement at Panama—young men carried messages hurriedly through the streets, secret consultations were held, wild plans were discussed, some of the conspirators were for quitting, declaring there was no chance of success with 450 Colombian soldiers in Colon and that the opportunity had been lost, while others insisted upon instant action. The arrival of the *Cartagena* was forcing the hands of the secessionists. Those who advocated action finally prevailed, however, and Tuesday, November 3, is now known as the "day of the independence of the Republic of Panama."

With the gunboat *Cartagena* came two Colombian generals, Amaya and Torar, and Colonel Torres. The generals were ignorant of the headway of the secession movement on the Isthmus. They landed from the gunboat early on Tuesday morning and took the 8 o'clock train for Panama, 40 miles away, confident they would find all quiet there, and suspecting nothing.

Later in the morning the 450 soldiers were landed in Colon and took up their quarters in the old railroad passenger station, Colonel Torres being in command.

INDEPENDENCE DECLARED.

Late Tuesday evening Generals Amaya and Tovar, and Señor Obaldia, Colombian governor of Panama, were arrested and placed in jail, the declaration of Panama's independence was made, and the directing council, or junta, composed of Señors Arango, Arias, and Boyd, was duly appointed. This decisive action was accomplished quickly and easily, and it was undoubtedly hastened by the presence in Colon of the *Cartagena's* troops, who constituted the dangerous factor in the problem, which must at once be disposed of. The news of the arrest of Amaya, Tovar, and Obaldia was not generally known in Colon until Wednesday morning.

On Tuesday, shortly after the two generals had left for Panama, Colonel Torres requested the Panama Railroad to transport his men across the Isthmus. Now, the railroad company is obliged, according to its contract with the Colombian Government, to transport Colombian soldiers, but before this can be done an order to that effect must be given to the railroad by the governor of Panama. Torres telegraphed for such an order and the railroad officials had a train made up in readiness to move the soldiers as soon as it should be received. This meant delay, at which Torres chafed, but there was nothing he could do as the train could not be dispatched without proper authorization from Panama. The order finally was received, but by this time it was too late to send out a train that night. The next morning, Wednesday, Captain Hubbard, acting on the obligation of the United States to protect traffic across the Isthmus, gave orders that no troops whatever be moved over the railroad. This deprived Colonel Torres of all chance of going to the relief of his leaders, and the question of disposing of his 450 men, still the menace in the situation, had to be settled here.

MASSACRE OF AMERICANS THREATENED.

On Wednesday morning the news of the arrest of Amaya and Tovar was brought to Colon by the morning train arriving at 10.45. The 450 men at once became restive, but at this moment Porfirio Melendez, then agent of the Panama junta and later governor of Colon, appeared upon the scene. He approached Colonel Torres and tried to negotiate with him for the quiet withdrawal of the troops of his command, but his efforts were futile. The Colombians would not agree, and shortly before noon they threatened to attack Colon and kill every American here unless Generals Amaya and Tovar were liberated by 2 o'clock that afternoon. This at once put a very serious aspect upon the situation.

In the meantime other events were transpiring in Colon. The captain of the *Cartagena* wanted fresh water for his boilers, and Wednesday morning he approached the head of the firm in Colon which supplies this demand. The head of the firm told the captain he certainly could have water, but as the Colombian Government owed him about \$6,000 gold for water supplied upon previous occasions he was sorry he could sell no more water other than on a cash basis. The captain of the *Cartagena* had no money, neither did the Colombian prefect of Colon. The captain said the governor of Panama, Señor Obaldia, would pay for the water. The head of the firm looked the captain squarely in the eyes and said:

"But, Captain, there is no governor of Panama."

"The captain, who had not yet heard the news, was astounded.

"What!" he exclaimed; "no governor of Panama?"

"No. There has been a successful revolution, and Governor Obaldia is a prisoner."

The captain spoke never a word, but turned and walked to his gunboat, which was moored to a pier ready to be connected with the water tubes. He cast off and moved his ship a short way out into the harbor and anchored. Twenty minutes later he got under way again and unobtrusively steamed off in the direction of Savanilla. He did not return.

HUBBARD ACTED PROMPTLY.

The news that the 450 Colombian soldiers had threatened to attack Colon and kill all Americans was made known by Señor Melendez at about 12.30 o'clock Wednesday. The *Nashville* was at once signaled that the presence of Captain Hubbard was needed on shore. Fifteen minutes later he landed at the small boat wharf, and the situation was explained to him. His plans were formed at once. No time was to be lost, for serious fighting could be expected in an hour.

The landing force at Captain Hubbard's command was woefully small, but he did not hesitate to face a desperate chance. Forty men and two 1-pounder guns from the *Nashville*, as big a force as possibly could be spared, were landed and sent to the freight house of the Panama Railroad. This force was in command of Lieutenant-Commander Witzel. All the entrances to the freight house were fortified with bales of cotton and other available merchandise. One gun was mounted to command the approach at the rear of the building, while the other was set up on a flat car at the main entrance in front to command that side and in readiness to be run down the railroad track and give range up the side streets crossing the track. All this was done by 2 o'clock, or in a little more than an hour from the time Captain Hubbard first came ashore. Everything possible had been done to meet the threatened attack of the Colombians and to protect American lives and property. Women and children were sent on board steamers in the harbor. But the Colombians did not carry out their threat. They could be seen in small parties moving about the streets, but the majority of them stayed in their barracks.

It was agreed between Captain Hubbard and Colonel Torres on Wednesday night that each should withdraw his troops until morning; consequently the Americans and their two guns went back to the *Nashville*. The Colombians should all have retired to a point about a mile and a half outside Colon; some of them did so, but the majority remained in their barracks in Colon all night.

THEATER OF THE EVENTS.

A few words describing the theater of the events of Wednesday and Thursday are necessary. The place where small boats and launches dock at Colon is a wooden landing about 250 feet long, running parallel to the beach line. Here all troops are disembarked. There is an open space shoreward from this landing, as big, perhaps, as a city block. At the eastern end of the landing the pier of the Royal Mail Steamship Company, a partly covered wooden affair, runs out into the harbor. At the eastern end of the clearing and on a straight line with the pier of the English steamship company is the front of the Panama Railroad freight house, a well-built stone structure of two stories, with a frontage of about 100 feet. Crossing the south or land side of the clearing is the main street of Colon, and the railroad tracks running out of the freight house to the west, parallel to the beach line. The shore end of the Royal Mail pier joins the land 30 feet west of the seaward corner of the freight house, and the tall picket gates to the pier form a right angle with the façade of this building. It is only thirty steps from the center entrance of the freight house to the gates of the pier.

Early Thursday morning the forty men and the two guns from the *Nashville* again came ashore and took up their positions of the day before. Maj. William Black and Lieutenant Brooks, of the United States Engineer Corps, had

meanwhile come in from the Culebra Cut and offered their services in the defense of Colon, and a score of Americans, residents of Colon, also had joined the defenders. They were armed with rifles from the *Nashville*.

TORRES ACCEPTED GOLD.

Thursday morning was spent by Señor Melendez in further negotiations with Colonel Torres. The former employed the arguments of reason and of common sense, and finally the argument of gold, and to this the Colombian colonel succumbed. For \$3,000 gold Colonel Torres promised to embark his troops on board the Royal Mail steamer *Orinoco*, then in port, and be transported to Savanilla. This sum was to be paid when the troops were on board the *Orinoco*.

The soldiers demurred at this arrangement, but Torres found a way to make them accept it, and at 4 o'clock Thursday afternoon they obeyed his orders and began to move from their barracks down the main street of Colon in small squads of 20 or 30 men, crossing the clearing in front of the freight house where the handful of Americans were gathered behind their guns and cotton bales, and then on to the Royal Mail pier, where the *Orinoco* was moored. As they passed they looked curiously and sullenly at the Americans. Some of the older of the Colombians seemed to have a realization of the significance of this move, and to see in it the downfall of Colombia on the Isthmus. Others were apparently indifferent to what they did or where they went, but the threatening and warlike attitude of the vigilant Americans showed all that something was wrong, and the watchful presence of these silent Americans made them all uncomfortable.

CORNERED THE COLOMBIANS.

The payment to Torres of the \$3,000 was made by Melendez in a house on the main street out of sight of the pier. Melendez supposed the soldiers were on board the *Orinoco* when he turned over the money, but he was mistaken. They had not embarked and were still on the pier. Torres returned to his men with the money. The soldiers at once emphatically refused to board the steamer unless their two generals went with them, and they clamored for their leaders. This sudden development called for decisive action on the part of the Americans in the freight house, now numbering some 70 men, and there was no hesitation. The step taken was dangerous and provoking, but one that the circumstances demanded. The line of cotton-bale defenses was quickly swung out from the freight house and reconstructed facing the pier. The bales were rolled into line to form a breastwork, and the guns looked out from between them down the length of the English pier, where the Colombians were gathered. This line was not more than 40 feet from the wooden gates at the shore end of the pier, and the Colombians were fairly cornered.

The hurried work of changing the line of defense and moving out the guns was soon over, even before the Colombians realized what had been done, and then the small body of Americans faced a new situation. The Colombian troops were veterans, having seen much service in the last revolution, and they were known to be good shots. They had plenty of ammunition, and they were in no sense afraid. All who know the soldiers of Colombia unite in declaring them to be fearless fighters. They had sworn not to board the *Orinoco* without their leaders, and they were ready enough to fight. They realized that a rush on the cotton bales doubtless would result successfully for them, and if the cost in lives was great, they were the sort of men who did not stop to count this cost. As soon as the new lines of defense were completed and the Americans lined up behind them, guns in hand and eyes straining to notice that first aggressive act on the part of the enemy which would force the beginning of an engagement, the defenders felt that the serious time of the day had come. The short range and the positions of the fighters, Colombians lined out down the pier and the Americans grouped behind their cotton bales, could only result in fearful slaughter on both sides. The Colombians still called for their generals, and at the same time began edging along toward the short end of the wharf, seeking as they came such protection as a few piles of merchandise and a couple of steel water tanks would afford them. Still the Americans did nothing but watch and wait. Lieutenant-Commander Witzel, Major Black, and Lieutenant Brooks were with their men behind the defenses and held them in control.

CRITICAL MOMENT.

One of the picket gates leading to the pier was opened, and an American officer passed in front of the cotton bales over to this gate and ordered that it be closed. A Colombian lieutenant told him the gate would remain open. It was a time when a trivial incident might easily have precipitated an outbreak from men whose nerves were tense and strained, so the officer explained to the Colombian that no man would be allowed to leave the pier, and did not insist upon the closing of the gate.

The two forces remained watching each other thus for an hour, the Colombians determined not to board the steamer without their generals and the Americans equally determined they should not leave the pier. At 6 o'clock the afternoon train from Panama pulled into the railroad station, which is less than a hundred steps inland from where the American line was formed, and some youthful political enthusiasts on the train commenced yelling, "Viva la Republica de Panama." This seemed to anger the Colombians on the pier and they wanted to come out and arrest the offenders, but were restrained by their officers. While these things were occurring on shore Captain Hubbard, on board the *Nashville*, had maneuvered his gunboat to a position from which he could, had it become necessary, have fired on the pier without riddling the town.

Darkness came while the two forces were still facing each other, and nothing had occurred to improve the situation. The danger of a fierce close-range conflict was as real as ever, but not a man of the small American garrison flinched. The long strain had told on men's nerves, still no man, volunteer or regular, had shown any sign of weakening.

REINFORCEMENTS ARRIVE.

At 7 o'clock a steamer's lights were seen rapidly approaching Colon. It was the *Dixie* with over 400 American marines on board. All day long she had been awaited with anxiety, now she was coming in the nick of time.

The fact that she was bringing a large number of American reinforcements had been fully circulated around town with the purpose of the news reaching the ears of the Colombian soldiers. They, too, saw the lights of the *Dixie*, and at once a movement among them was noticeable. Slowly, in small numbers, they commenced with common accord and without the issuance of orders to file on board the *Orinoco*.

Men breathed more freely at the sight. The *Nashville* sent her boats alongside the *Dixie* as she came to anchor about 700 yards out from the *Orinoco*, and in less than an hour 200 marines were on shore. Then the situation was safe and the two days at Colon, the dangerous incident of the bloodless revolution, were over. At 8 o'clock the last of the Colombian soldiers had passed up the *Orinoco's* gangway, the steamer's lines were cast off, and slowly she warped away from her pier. She passed close to the *Dixie* and so out to sea.

For two days a handful of Americans had faced a critical situation. For three hours on Thursday afternoon these 70 men had looked calmly into the rifles of 450 Colombians, and no man could tell from one moment to another when the fight might begin. And the fight they all feared, but which none flinched from, could have resulted in nothing else than annihilation. The courage, wisdom, and calmness of Captain Hubbard and the other officers

mentioned, and the fearlessness, determination, and obedience of the men of their command deserve further mention than that given in the terse press dispatches or the modest Washington report.

[New York Evening Post, December 8, 1903.]

PANAMA GENESIS—THE STORY AS TOLD ON THE ISTHUS—NOTICE TO SECRETARY HAY—HIS VIRTUOUS REPLY THAT UNITED STATES COULD NOT AID REVOLUTIONISTS—BESIDES, SEPTEMBER 23 WAS MUCH TOO EARLY—PRESIDENT ROOSEVELT ALSO QUOTED AS INVITING DAMNATION IF HE'D AID SECESSIONISTS—ANTEREVOLUTION NEGOTIATIONS HERE AND IN WASHINGTON—DOCTOR AMADOR'S CONFERENCE WITH M. BUNAU-VARILLA AT THE WALDORF—WORK OF MAKING FLAG AND DRAFTING DECLARATION BEGUN ON HIS RETURN—ARRIVAL OF AMERICAN WAR SHIPS ON SCHEDULE TIME—CHECKMATING COLOMBIA'S TROOPS AT COLON—ALL THE FUNDS IN PANAMA'S TREASURY PAID OUT IN BUYING SUPPORT FOR JUNTA.

PANAMA, REPUBLIC OF PANAMA, November 30.

So seldom can a republic be snap-shotted in the making that the true and veracious history of Panama ought to be set down. New York accounts of it have been fragmentary. Washington accounts have been politic, oblique—you have felt that they did not touch upon realities. Here, among a simple and elated people, nothing is concealed. The only thought is that there shall be told none of that which might reflect in the least upon the United States Government. There is a fine pro-American bent to the population. To the best Panamanians New York has long been the loveliest of cities, and the United States the ideal of a country. Only one of the de facto cabinet of the new Republic is unable to speak English. Much of the population is from the British colony of Jamaica. Officers from the British warship *Amphion* fraternize with American correspondents and naval officers, and among the Spanish or so-called natives of the Isthmus to be an American is to insure social treatment such as only Spanish courtesy is perfect in supplying. What the native girl who made the first Panamanian flag said is truly illuminative of the attitude. "After I am a Panamanian," she told us, "I am a Yankee."

As it is written here the story of the revolution is as well authenticated as it could be, if you accept the word of the signers of the declaration of independence, of the junta, of the provisional cabinet, of the admiral of the navy, of all who participated. I think they are keeping nothing back. Altogether it is a unique story. It begins in March or, perhaps, May of this year. Control of the transisthmian transportation, the great asset of this neck of land connecting two continents, had, as has been said, given the United States a hold upon popular allegiance. She was the power which had to be respected. Hers was the Government for which battles were stopped that trains under her interest might pass uninterruptedly upon their business. Here, as well as at Washington, the feeling was that, treaties to the contrary notwithstanding, it was somewhat Quixotic for American marines to be landing always for the practical support of Colombian sovereignty.

The idea of American interference in behalf of a seporate state was abroad in March. In May Doctor Amador talked about it to José Augustin Arango, lobbyist of the Panama Railroad, and to Tomas Arias, who held the electric-light concession. They took into confidence Federico Boyd, half British by descent; Constantino Arosemana, whose family had been fleeced by compulsory subscription to various "revolutions;" Ricardo Arias, brother of the electric-light man, and De Obarrío. Sometimes meetings were held at Amador's house; often at night in the electric-light back office down on the edge of the Bay of Panama. They kept their purpose close, fearing to let it out. Gen. Herbert O. Jeffries (I have it from himself) was "in the know" also. Arango was appointed to keep Colonel Black, United States Army, engineer supervising the present digging of the canal at Culebra cut, and Colonel Shaler, R. D. Prescott, Capt. J. R. Beers, leading officers of the Panama Railroad, fully informed as to what was going forward. James Hyatt, of course, was also informed. Summer came. Colombia hesitated over the treaty. Doctor Amador sailed in August, via Jamaica, to Boston, and thence proceeded to Washington. Mr. Hay, Secretary of State, was on his holiday, and Amador could not see him. He told of his mission, however, to somebody and went on to New York.

PLOTTING AT THE WALDORF.

There he consulted with M. Bunau-Varilla, agent of the Panama Canal Company. Both were staying at the Waldorf-Astoria, and held their conferences there.

"Now, are you sure about this?" I asked Señor Arango, of the Junta.

"Yes," he answered. "Yes," coincided Señor Arias.

Doctor Amador talked with Varilla and others and was assured presently that the American Government would give support to a secession movement. Not officially, of course. General Jeffries has a letter, he says, in which President Roosevelt declares he'll "be damned if he will aid in any revolution." But Doctor Amador believed in the authority of the utterances of Bunau-Varilla, and went home in a fervor. "Put these papers in the safe," he said to the purser of the returning steamer *Yucatan*; "they are worth much—I would not lose them." His narrative of the results of his mission to the United States was scarcely credited in spite of the accompanying papers. Nevertheless, E. A. Morales, C. A. Mendoza, and J. Henriquez began to draft a declaration of independence for Panama.

There were more conferences at Amador's house. Mrs. Amador became interested. (In all these Latin countries the women are fierce and effective patriots.) José Gabriel Duque, Cuban born, but an American citizen, editor of the *Star and Herald*, went to New York and Washington. He went, it is said, on his own hook; and he spoke with Secretary Hay on September 3, who had on August 28 been in conference with President Roosevelt at Oyster Bay. Three alternatives were discussed. One was to ignore Colombia, proceed to construct the canal under the treaty of 1846 with New Grenada, fight Colombia if she objected, and create the "independent government of Panama." Señor Duque informed Secretary Hay that the revolution was to take place on September 23, the day after the adjournment of the Colombian Congress. Mr. Hay is said to have replied—this is from a report in Señor Duque's newspaper—"that the United States could not lend aid to revolutionists in carrying out a secession from the nation to which they belonged. Besides," Mr. Hay is said to have added, "September 23 is much too early," pointing out to Señor Duque that a revolution coming the day after the expiration of the treaty would be an absurdity, since revolutions usually require preparation.

MAKING THE FIRST FLAG.

The revolution did not come off on September 23. It was postponed to November 4. "On November 2 Admiral Glass was notified to go to the Isthmus, and, if necessary, occupy Ancon Hill with artillery." Various American vessels were sent within striking distance. Meantime Doctor Amador took a colored design for a flag to Señora Maria Emelia Ossa, his niece, and asked her to make a flag accordingly. Señora Ossa is the betrothed of R. D. Prescott, agent at Panama of the Panama Railroad. Her parents are Chilean; she was born here, and, disregarding her father's neutral position as Chilean consul-general, has been ever an inspiring Panamanian, a Liberal, with a great liking for "Yankees," as she told us last evening. She is not the black-eyed, black-haired Spanish woman of Frank Daniels's "The Office Boy," but brown-eyed and full cheeked and brown haired, without the Moorish blood. "All the

time I was sewing the flag," she says, "I fancied endless columns of Colombian soldiers marching into the house." But she finished it October 31, and it was first seen in New York on the *City of Washington*, one of the Panama Railroad's chartered steamships.

On the evening of the day the flag was finished there was a final meeting of the conspirators at Doctor Amador's house. Eight persons were present. They heard that Doctor Amador had telegraphed Varilla that everything was now ready for the overturning. They adjourned with the remark that "if Varilla could move some American men-of-war to the Isthmus, he is somebody, and we can go ahead." In the morning (November 1) arrived a reply from Varilla, dated October 31, saying that American men-of-war would be at the Isthmus immediately to keep transit open. Arias, on hearing this, said:

"What if Colombia changes her position and grants the treaty?"

"Then," was the answer, "we are all betrayed, and it is the end of us."

GAINING ADHESION OF TROOPS.

November 4 was fixed on as the date for "the movement." The work of enlisting the aid of Government officers was progressed. Admiral Varon, of the Colombian gunboat *Twenty-first of November*, was won over with all his forces. General Huertas, commandant of the garrison, was found easy to approach, because he is a Panamanian by birth, has a Panamanian wife, and had heard that he was to be transferred, with all his troops, to Barranquilla. Such a transfer would mean that he and his troops would hereafter be paid in paper money, worth only a few cents on the dollar, as at Barranquilla there is no silver currency. To rid himself of officers and men he was not sure would enter the plot to revolt, he pretended to have had a dispatch saying that revolutionists were landing at Cocola, down the coast. Then he sent off all the distrustful officers and men to put down Cocola's imaginary insurrection.

Señor Melindes, of Colon, was called to Panama and asked to be ready to take the governorship of Colon on the 4th. About noon on the 2d the *Nashville* arrived at Colon. Everything then was favorable, except that no American war ship had yet appeared at Panama. Suddenly that evening, to the consternation of the plotters, the Colombian war ship *Cartagena* steamed into Colon, bearing some 500 soldiers, 50 clerks, and a new governor.

PLANS UPSET.

Somebody had tipped off Bogota that a coup was being planned, and Bogota had dispatched these troops to replace the suspected garrison, clerks to do the work of untrue officeholders, and Gen. Pompilio Guiterrez to supplant Governor Obaldia. Governor Obaldia lived in the same house with Doctor Amador and belonged to the same poker club, but "officially" he knew nothing of the conspiracy. Everybody says so. Colombia, nevertheless, had prepared to remove him.

The *Cartagena's* outfit, civil and military, was landed at Colon. Leaving command to Colonel Torres, the generals boarded a train for Panama. This city was in a ferment. The revolutionists thought the jig was up. What should be done? Now, General Huertas, in command of the garrison, had fought under Gen. Herbert O. Jeffries. Huertas lost his right arm serving with this New Yorker, of Virginian antecedents, who was one of Roosevelt's political helpers when Roosevelt first ran for the assembly in the Twenty-second district of Manhattan. Huertas said to Jeffries:

"Will you stand by if I deliver the garrison to the revolutionists?"

"Sure," answered Jeffries.

Then Jeffries went to the nonplussed revolutionists and declared: "You have arrived at the time described in an old Spanish saying—you have got to give birth now, or burst." Mrs. Amador, who had been the soul of the revolution, besought her husband to take his opportunity. "You must go on now," she insisted. A dispatch came from Colon. R. D. Prescott, while pretending to make a purchase, conveyed the telegram to the hand of the head of the Brandon firm. It said that the Panama Railroad had refused to transport the Colombian troops across to Panama. Hearing this, the revolutionists took heart. They would go on. At 5 o'clock they would serenade the Colombian generals. Then after dinner the generals would be seized, and the same band which had welcomed them would sound the tocsin of the revolution.

This plan was superfluous. On arriving the generals went down to the barracks after noon to see General Huertas. One version of what happened is this: They greeted General Huertas, who offered them wine. They proposed a toast. Invaded by a fear that when he raised his one good arm to drink the Colombian generals would take advantage of him and run a sword through him, he said: "One moment." He left the room, gave orders for a company of soldiers to go in and put the newly arrived officers under arrest. The arrest was made and the prisoners turned over to the police, to be kept in jail. Revolution was declared; the populace rejoiced; the flag of Señora Ossa was unfurled.

FIXING COLONEL TORRES.

At Colon the Colombian troops waited on the wharf. Over the Panama Railroad telephone their commander called up Señor Arango, lobbyist for the railroad, and one of the junta, and demanded that his generals be sent back to him.

"They will not be released," replied Señor Arango.

"Then come down here and fight," suggested Colonel Torres.

"We will to-morrow," said Arango.

"No, to-day," urged Torres.

But the railroad refused to fetch the revolutionary troops to Colon or to send the Colombian troops to Panama. Two eager armies were kept apart by the casual order of a superintendent of a little 48-mile railway.

Next came a message by telephone asking the custodians of the Panama treasury (containing \$140,000 silver) whether they would stand for an arrangement whereby Colonel Torres could be got to depart with his troops peaceably. Isaac Brandon & Son and Henry Eshman, bankers and custodians of the money which had come into the possession of the revolution, replied "Yes." Then Melindes of Colon took Colonel Torres to the café of the Hotel Washington, and after a few drinks Colonel Torres pounded his fist upon the table and announced theatrically that "at 2 o'clock every American in Colon would be killed if Generals Tovar and Amaya were not at once freed and sent back to Colon." This word went out to the American ship *Nashville*. Marines were sent ashore. "Jimmie" Hyatt asked for arms for American citizens. The *Nashville* supplied them. Some forty-three Americans, including the marines, piled bales of cotton on flat cars at the door of the adobe freight house and were ready. The soldiers were on the wharf. The hour passed. Then Colonel Torres took \$8,000 and embarked his troops on a passenger steamer bound for Cartagena. His own portion, after formally "paying the back wages of the soldiers," is said to have been \$5,000.

The drop of a hat would have precipitated shooting on the second day of the tension. Colonel Black, United States Army, canal inspector, took command of the Americans at the railway station and removed the cars from the tracks, so that the Colombians could have no rolling forts or Trojan horses. Colonel Torres apparently expected till the last moment that the captured Colombian generals would be returned to him. But when he found that he was hemmed in, he accepted the money and embarked his troops. Colonel Black thereafter was the first to raise Panama's flag.

SCHEDULE OF PRICES.

In this very modern and unique revolution the schedule of prices was as follows:

For General Huertas	\$25,000
For Admiral Varon	25,000
For Colonel Torres and troops	8,000

This makes a total of \$58,000. For judges, postmasters, et al., a lot more was paid. All that was in the treasury went out. One of the junta was asked if it was true that General Huertas had declined to receive the \$25,000, preferring a place under the new government. "He never refuses anything," was the response.

Admiral Varon has an under secretaryship in the war department. General Huertas is in command of the army, which has been reduced from 3,500 to 1,800. General Jeffries is the admiral of the Panama navy. I believe this to be an impartial inside account of the overturning, absolutely true. This narrative, of course, does not deal with causes and grievances.

F. C.

[New York Tribune, December 21, 1903.]

THE PANAMA REVOLUTION—DETAILS OF HOW THE SCHEME WAS SUCCESSFULLY WORKED OUT.

[From a special correspondent of the Tribune.]

PANAMA, R. P., December 10.

The story of this Republic's conception and birth reads like a fairy tale. Panama—that is, the better class of Panamanians—has for years dreamed of independence of Colombia and immunity from Colombian oppression, but they lacked the power of initiative, preferring to put off until "mañana" the attempt another people would have made to-day. The canal project forced the issue, however, and the leaders among the Panamanians met it in a manner which must in time win the admiration of the world, for as a political trick they did that which is without an equal, overturning a government and setting up their own independence without firing a shot or spilling a drop of blood.

Early in the current year Mutis Durand was governor of the Department of Panama. He had been sent to preside over the Department from one of the other Departments in the Colombian Federation and was essentially an anti-Panamanian. It happened, therefore, that when the Hay-Herran treaty had been ratified at Washington, and when the question of ratification was about to come before the Colombian Congress, that he, who had the power of appointment of the representatives from Panama, saw to it that there should go to Bogota a delegation which would not oppose any scheme Colombia might evolve. Panama, enthusiastic for the canal, recognized at once that Durand had named men who were inimical to the paramount interest of the Department, and at that moment the scheme for Panamanian independence began to assume shape.

This was in May last. Common report and formal statement made by those who were in the movement at the time of its inception gave to Dr. Manuel Amador Guerrero, who is now in the States in company with Federico Boyd and Constantine Arosemena, as a member of the commission appointed to negotiate a canal treaty, credit for having launched the independent movement. But while Doctor Amador is deemed the father of Panamanian independence, it is doubtful if so much credit actually belongs to him.

RAILROAD COMPANY PUSHED SCHEME.

Rather is it logical to assume that the officials of the Panama Railroad, nearly every one of whom is an American, are the more responsible parties. The railroad corporation, which owns a splendid piece of property and which is doing a thriving business in transisthmian traffic, has for about fourteen years been devoting the whole of its net earnings to defraying the expense of the work necessary to keep the canal concession held by the New Panama Company alive. The stockholders have realized nothing from their investment in that period, and as the United States has agreed to purchase the property for \$7,000,000, everybody connected with the railroad as stockholders and managers have been feverishly anxious for the actual consummation of the canal project.

Every Liberal in Panama knew when Durand appointed Señors y Soto and Teran senators from Panama to the special session of the Colombian Congress convened on July 20 last to consider the Hay-Herran treaty that the canal project was in jeopardy. These two men did not represent the sentiment on the Isthmus, a fact proved by their open fight against ratification of the treaty as well as by the fact that they have not returned to Panama since the adjournment of the Congress. At the time these two men were named as Panamanian senators José Agustín Arango was senator of the Colombian Congress, representing Panama. No sooner did Durand announce his appointments than Arango announced that he would not go to Bogota to be outnumbered in the delegation by anti-Panamanians. Now, it happened that Señor Arango was then, and is now, the "special agent" of the Panama Railroad; in other words, the company's confidential agent and lobbyist. In this capacity Señor Arango has twice visited Bogota in the interest of the canal project, to keep the concession and promote ratification with the United States Government. The evidence seems conclusive that when he refused to go to Bogota—a refusal uttered in May last—he at the same time advanced the idea of independence for the department in case the treaty should fail.

ACTIVE STEPS TAKEN.

Arango was not, however, the man to openly, or even secretly, foster the scheme. That duty devolved upon Doctor Amador, who is deemed the wealthiest man in the department, and therefore who has more to gain from American occupation and the completion of the canal than has any other individual. That Arango acted as the agent of the Panama Railroad in proposing to Amador the idea of Panamanian independence is proved by subsequent developments. Amador was readily disposed to advance the project, even though it may not have originated with him, and the fact stands that he took the formal initiative as long ago as May last. At that time a meeting was held at Doctor Amador's residence, fronting the cathedral in this city. There were present Doctor Amador, Señor Arango, and Señor Tomas Arias—three men who may be set down, without danger of any contradiction, as the original instigators of the revolution of November 3. At that meeting—and my informant is one who was in the scheme from the beginning, and whose statements have been fully corroborated—it was decided by Amador, Arango, and Arias that if the Hay-Herran treaty should fail of ratification at Bogota a blow should be struck for Panamanian independence.

This decision reached, the plan advanced rapidly. Needing assistance in working out their plan the original trio of conspirators carefully selected four other men who might be taken into their confidence. These four were Constantine Arosemena, a civil engineer; Ricardo Arias, brother of Tomas Arias; Federico Boyd, and N. A. de Obarrio, the last three named being merchants in this city and men of wealth and substance. The circle of conspirators included these seven men as long ago as July 1. They met frequently, but in secret, holding their meetings in the private residence of one or the other of their number, with an occasional gathering in the office of the electric-light company, which is principally owned by Tomas Arias. All of the plans of

these conspirators were predicated upon the rejection of the canal treaty, an hypothesis which had resolved itself into a certainty before the middle of August.

It was under these conditions that the plan for Panamanian independence advanced up to the middle of August. The moment for decisive action being then in sight, it was agreed by the conspirators and their counsellors that to insure the success of the project it was necessary to sound the United States Government and learn what attitude it would assume.

WORK OF DOCTOR AMADOR.

With that object in view, Doctor Amador sailed from Colon in September, going first to Jamaica, and thence to Boston. From Boston he journeyed to Washington, without passing through New York, so that neither his presence in the States nor his visit to Washington might be known to the Colombian consul at New York. Doctor Amador's visit to Washington was for the purpose of conferring with Secretary Hay; but that official was in New Hampshire on his annual vacation, and Doctor Amador left Washington without acquainting the State Department of what the Isthmians (seven in number at that time) proposed doing. About the same time J. Gabriel Duque, a native of Cuba, but a naturalized American, now domiciled in this city, editor of the Star and Herald, of Panama, and principal owner of the Loteria de Panama, the chartered lottery of the Isthmus, also visited Washington. Mr. Duque saw Secretary Hay and discussed with him the idea of Panamanian independence; but it can be accepted as an indisputable fact that his visit was wholly unofficial and made upon his own responsibility, as he was not at that time in the secret of what Amador, Arango, Arias, and the others proposed.

Doctor Amador's visit to Washington having proved fruitless, and there being no longer any necessity for secrecy, he went to New York and took apartments at the Waldorf-Astoria. There he fell in with M. Philippe Bunau-Varilla, who had resided on the Isthmus as a canal engineer, and with whom he was acquainted. Varilla was then in the States in the interest of the New Panama Canal Company, and, their sentiments being more or less the same, Doctor Amador unfolded to Varilla the plans of the conspirators at Panama. From this point the project progressed rapidly. Doctor Amador returned to the Isthmus early in October, and at a meeting of the seven conspirators, who gathered in the office of the electric-lighting company in Panama, he related the result of his visit to the States. He had received no assurance from any official of support, but communicated to his fellows the fact that Varilla had assured him in the most positive terms that any stroke in favor of independence, having as its primary object the grant to the American Republic of a canal concession, would be supported by the United States Government. So elated was Doctor Amador over Varilla's assurances and so great was his confidence in the French engineer's ability to influence the Government at Washington that he was unable to see any further difficulties in the way of executing the project.

CAUTION COUNSELED.

Arango, Arias, Arosemena, and the others were slow to accept Doctor Amador's assurances, however. Varilla had not talked with them, and realizing that death for each would be the penalty should they attempt and fail, and that their only hope of success lay in support to be given them by the United States, they counseled caution and further delay.

Their views prevailed to such an extent that it was decided to defer the launching of the movement until after the Colombian Congress should have finally adjourned. Adjournment would, they argued, sound the death knell over the canal treaty, and simultaneously give to the United States an incentive to support the independence of a republic on the Isthmus. The project was accordingly held in abeyance, although there was no cessation in the matter of working out the details.

Realizing that if it should become necessary to deliver the blow a commission would have to be sent to the States, the conspirators, late in October, took into their confidence Señor Manuel Espanza, with the idea of substituting him for Federico Boyd as a member of the provisional governing junta which would have to be created, and which, it was decided, should be composed of Arango, who wielded all the influence of the Panama Railroad; Arias, who had been a Department senator, federal representative, and a general officeholder, and Boyd, who represented the heavier vested interests on the Isthmus. Doctor Amador was reserved to be the candidate for President of the new Republic; Constantine Arosemena was selected to be the expert member of the commission to the States to negotiate a canal agreement; De Obarrio was selected for the ministry of war, which he now holds, and Ricardo Arias was to be the active fiscal agent of the proposed new government.

None of these details were neglected, the systematic manner in which the conspirators went about their work showing that they possess unusual ability in political scheming and that they were ably advised. Proceeding in the same careful way, with a view to leaving no stone unturned to insure success, the conspirators reached, about October 27, that point at which they realized that they would need a declaration of independence. The pot was boiling then in earnest. All Panama was talking of a scheme for independence, rumors of every sort being current, but nothing definite being known.

DECLARATION PREPARED.

To have prepared a declaration of independence, ready for use the moment the Colombian Congress should adjourn, the conspirators took into their confidence three lawyers of Panama, all enthusiastic supporters of the canal proposition. These men were E. A. Morales, who was advised that if the scheme should go through he would be made minister of government (domestic affairs) in the provisional cabinet; C. A. Mendoza, who was slated for the ministry of justice, and J. Henriquez, whose official status has not yet been defined. Morales, Mendoza, and Henriquez undertook the work of framing in secret the declaration and to have it ready for immediate use.

Another thing was the flag for the new Republic. The conspirators consulted over this several times. It was desired to evolve an emblem which should signify the unification of the Liberals and Conservatives into a party standing for Panamanian independence. A number of designs were submitted, but it was finally decided to adopt the combination of one red and one blue square with two white squares, one bearing a red star and the other a blue, red being the color of the Liberals and blue of the Conservatives. The design being agreed upon, a colored plate showing the proportions of the flag and its color scheme was prepared and intrusted to Doctor Amador, who advised his niece, Señora Maria Emilia Ossa, daughter of the Chilean consul-general in this city, that there might soon come a time when a new flag would be needed in Panama and that she should have the honor of making it.

There remained, then, only the army and navy and the police force to be looked after. Isaac Brandon & Bro. and Henry Ehrmann had charge of the departmental money, and from them it was learned that there would be no trouble in getting hold of the \$145,000 on deposit belonging to the Department the moment independence should be declared.

ARMY AND NAVY SUPPORT SECURED.

Trusted agents were then commissioned to "fix" the military and naval establishments and the police force. General Huertas, who was in command of the Colombian battalion, the garrison of the Isthmus, was approached, and

was discovered to be willing to join the movement for certain stipulated considerations, chief among which was a bonus of \$25,000 (silver) for himself. Gen. Ruben Varon, who commanded the Colombian gunboat *Twenty-first of November*, formerly the *Padilla*, which sunk the *Lauterbo* in the battle in which Governor Alban lost his life, and which, since the revolution, has had her name changed to the *Third of November*, was also approached. He, too, was willing to become a Panamanian patriot in exchange for \$25,000, and the officers and men under him on the gunboat were equally susceptible to influence, the chief engineer and chief of artillery each bargaining their support for \$10,000 and the others for smaller sums. None of this money was paid in cash, but promises were made to pay it after the Republic was established, and it has since been paid.

In General Huertas's battalion were a number of officers and men whom he distrusted, so a story was artfully concocted that a revolutionary party of seventy men had landed on the coast of Chiriqui, the western province of the Department, and the officers and men under Huertas's suspicion were dispatched to quell the disturbance. Whether they knew of the establishment of Panamanian independence or not at this time is a matter of conjecture, as they have not yet returned from hunting the revolutionists, nor have they been heard from. Other individuals and agencies were manipulated in a manner similar to that employed in handling Huertas, Varon, and others referred to, and so thoroughly was the work done that when the Colombian Congress adjourned on October 31 without having ratified the treaty the powder train for a Panamanian revolution had been laid, and the match had actually been lighted to ignite it.

[The Connecticut Courant, Hartford, Thursday, December 24, 1903.]

PATRIOTISM IN PANAMA—NEW NATION A CHILD OF GREED—CANAL FORCED ISSUE—RAILROAD AND OTHER INTERESTS PREPARE THE COUP—WANTED THE MONEY UNCLE SAM WOULD PAY—THE FORMING OF THE PLOT.

[Staff correspondence of the Courant.]

PANAMA, R. P., December 10, 1903.

As has already been stated in this correspondence, the Republic of Panama owes its existence to nothing which bears any resemblance to Panamanian patriotism. The new nation is the child of greed, conceived of the project for a ship canal connecting the Atlantic and Pacific. The story of the Republic's conception and birth reads like a fairy tale. Panama—that is, the better class of Panamanians—has for years dreamed of independence of Colombia and immunity from Colombian oppression; but they lacked the power of initiative, preferring to put off until "mañana" the attempt other people would have made to-day.

The canal project forced the issue, however, and the leaders among the Panamanians met it in a manner which must, in time, win the admiration of the world, for as a political trick they did that which is without an equal—overturning a government and setting up their own independence without firing a shot or spilling a drop of blood. That success was made possible because of the certainty of support by the United States does not lessen the magnitude of the Panamanian achievement.

Early in the current year Mutis Durand was governor of the Department of Panama. He had been sent to preside over the Department from one of the other Departments in the Colombian federation, and was essentially an anti-Panamanian. It happened, therefore, that when the Hay-Herran treaty had been ratified at Washington, and when the question of ratification was about to come before the Colombian Congress, that he—who had the power of appointment of the representatives of Panama—saw to it that there should go to Bogota a delegation which would not oppose any scheme Colombia might evolve. Panama, enthusiastic for the canal, recognized at once that Durand had named men who were inimical to the paramount interest of the Department, and at that moment the scheme for Panamanian independence began to assume shape.

A RAILROAD'S HAND IN IT.

This was in May last. Common report and formal statements made by those who were in the movement at the time of its inception gave to Dr. Manuel Amador Guerrero, who is now in the States in company with Frederica Boyd and Constantine Arosemena, as a member of the commission appointed to negotiate a canal treaty, credit for having launched the independent movement. But while Doctor Amador is deemed the father of Panamanian independence, it is doubtful if so much credit actually belongs to him. Rather is it logical to assume that the officials of the Panama Railroad, nearly every one of whom is an American, are the more responsible parties. The railroad corporation, which owns a splendid piece of property and which is doing a thriving business, has for about fourteen years been devoting the whole of its net earnings to defraying the expenses of the work necessary to keep the canal concession held by the New Panama Company alive. The stockholders have realized nothing from their investment in that period, and as the United States has agreed to purchase the property for \$7,000,000 everybody connected with the railroad as stockholders and managers have been feverishly anxious for actual consummation of the canal project. Upon that consummation depends their ability to unload their holdings on the United States Government, and those who are really in the secret of Panamanian independence give to the influence wielded by this road the actual credit for what has been accomplished.

Every Liberal in Panama knew when Durand appointed y Soto and Teran senators from Panama to the special session of the Colombian Congress, convened on July 20 last to consider the Hay-Herran treaty, that the canal project was in jeopardy. These two men did not represent the sentiment on the Isthmus, a fact proved by their open fight against the ratification of the treaty, as well as by the fact that they have not returned to Panama since the adjournment of the Congress. At the time these two men were named as Panamanian senators Jose Augustin Arango was a senator of the Colombian Congress, representing Panama. No sooner did Durand announce his appointments than Arango announced that he would not go to Bogota to be outnumbered in the delegation by anti-Panamanians. Now, it happened that Señor Arango was then, and is now, the "special agent" of the Panama Railroad; in other words, the company's confidential agent and lobbyist. In this capacity Señor Arango has twice visited Bogota in the interest of the canal project, to keep the concession and promote ratification with the United States Government. The evidence seems conclusive that when he refused to go to Bogota—a refusal uttered in May last—heat the same time advanced the idea of independence for the Department in case the treaty should fail.

Arango was not, however, the man to openly or even secretly foster the scheme. That duty devolved upon Doctor Amador, who is deemed the wealthiest man in the Department and, therefore, who has more to gain from American occupation and the completion of the canal than has any other individual. That Arango acted as the agent of the Panama Railroad in proposing to Amador the idea of Panamanian independence is proved by subsequent developments. Amador was readily disposed to advance the project even though it may not have originated with him, and the fact stands that he took the formal initiative as long ago as May last. At that time a meeting was held at Doctor Amador's residence, fronting the cathedral in this city. There were present Doctor Amador, Señor Arango, and Señor Tomas Arias—three men who may be set down, without danger of any con-

tradition, as the original instigators of the revolution of the 3d of November. At that meeting—and my informant is one who was in the scheme from the beginning and whose statements have been fully corroborated—it was decided by Amador, Arango, and Arias that if the Hay-Herran treaty should fail of ratification at Bogota a blow should be struck for Panamanian independence.

This decision reached, the plan progressed rapidly. Needing assistance in working out their plan, the original trio of conspirators carefully selected four other gentlemen who might be taken into their confidence. These four were Constantine Arosemena, a civil engineer; Ricardo Arias, brother of Tomas Arias; Frederica Boyd, and N. A. de Obarrio, the last three named being merchants in this city and men of wealth and substance. The circle of conspirators included these seven men as long ago as the 1st of July. They met frequently, but in secret, holding their meetings in the private residence of one or the other of their number, with an occasional gathering in the office of the electric-light company, which is principally owned by Tomas Arias. All of the plans of these conspirators were predicated upon the rejection of the canal treaty, an hypothesis which had resolved itself into a certainty before the middle of August. Standing back of the conspirators as advisers and counselors were four Americans: Col. J. S. Shaler, superintendent of the Panama Railroad; H. G. Prescott, assistant superintendent of the railroad, in charge of the Panama end; Capt. John R. Beers, superintendent of the Panama terminals at La Boca, the Pacific terminus of the proposed canal, and Col. William Black, United States Army, the engineer who represents the United States Government in the work now in progress at the great Culebra cut.

SOUNDING THIS GOVERNMENT.

These four Americans were never present at a meeting of the conspirators, which meetings were held as often as two and three times a week; but they were kept fully advised as to all that was done by Señor Arango, who reported in his capacity as special agent of the railroad company. They also advised, communicating through Señor Arango, as to the different steps to be taken, and it was stated to me last evening by one of the seven that not a single thing was done by them or decided upon except it was first given the sanction of the four Americans who were privy to the scheme. It was under these conditions that the plan for Panamanian independence progressed up to the middle of August. The moment for decisive action being then in sight, it was agreed by the conspirators and their counselors that to insure the success of the project it was necessary to sound the United States Government and learn what attitude it would assume.

With that object in view, Doctor Amador sailed for Colon in September, going first to Jamaica and thence to Boston. From Boston he journeyed to Washington without passing through New York, so that neither his presence in the States nor his visit to Washington might be known to the Colombian consul at New York. Doctor Amador's visit to Washington was for the purpose of conferring with Secretary Hay, but that official was in New Hampshire on his annual vacation, and Doctor Amador left Washington without acquainting the State Department of what the isthmians (seven in number at that time) proposed doing. About the same time J. Gabriel Duque, a native of Cuba but a naturalized American, now domiciled in this city, editor of the Star and Herald, of Panama, and principal owner of the Loteria de Panama, the chartered lottery of the Isthmus, also visited Washington. Mr. Duque saw Secretary Hay and discussed with him the idea of Panamanian independence, but it can be accepted as an indisputable fact that his visit was wholly unofficial and made upon his own responsibility, as he was not at that time in the secret of what Amador, Arango, Arias, and the others proposed.

VARILLA IN THE GAME.

Doctor Amador's visit to Washington having proved fruitless, and there being no longer any necessity for secrecy, he went to New York and took apartments at the Waldorf-Astoria. There he fell in with M. Philippe Bunau-Varilla, who had resided on the Isthmus as a canal engineer, and with whom he was acquainted. Varilla was then in the States in the interest of the New Panama Canal Company, and their sentiments being more or less the same, Doctor Amador unfolded to Varilla the plans of the conspirators at Panama. From this point the project progressed rapidly. Doctor Amador returned to the Isthmus early in October, and at a meeting of the seven conspirators, who gathered in the office of the electric lighting company in Panama, he related the result of his visit to the States. He had received no assurances from any official of support, but communicated to his fellows the fact that Varilla had assured him in the most positive terms that any stroke in favor of independence, having as its primary object the grant to the American Republic of a canal concession, would be supported by the United States Government. So elated was Doctor Amador over Varilla's assurances, and so great was his confidence in the French engineer's ability to influence the Government at Washington, that he was not liable to see any further difficulties in the way of executing the project. Arango, Arias, Arosemena, and the others were slow to accept Doctor Amador's assurances, however. Varilla had not talked with them, and realizing that death for each would be the penalty should they attempt and fail, and that their only hope of success lay in support to be given them by the United States, they counseled caution and further delay.

PROCEEDING CAREFULLY.

Their views prevailed to such an extent that it was decided to defer the launching of the movement until after the Colombian Congress should have finally adjourned. Adjournment would, they argued, sound the death knell over the canal treaty and simultaneously give to the United States an incentive to support the independence of a republic on the Isthmus. The project was accordingly held in abeyance, although there was no cessation in the matter of working out the details. Realizing that if it should become necessary to deliver the blow a commission would have to be sent to the States, the conspirators late in October took into their confidence Señor Manuel Espinoza, with the idea of substituting him for Frederica Boyd as a member of the provisional governing junta which would have to be created, and which it was decided should be composed of Arango, who wielded all the influence of the Panama Railroad; Arias, who had been a departmental senator, federal representative, and a general officeholder, and Boyd, who represented the heavier vested interests on the Isthmus. Doctor Amador was reserved to be the candidate for President of the new Republic. Constantine Arosemena was selected to be the expert member of the commission to the States to negotiate a canal agreement. De Obarrio was slated for the ministry of war, which he now holds, and Ricardo Arias was to be the active fiscal agent of the proposed new Government.

None of these details was neglected, the systematic manner in which the conspirators went about their work showing that they possess unusual ability in political scheming and that they were ably advised. Proceeding in the same careful way, with a view to leaving no stone unturned to insure success, the conspirators reached, about October 27, that point at which they realized that they would need a declaration of independence. The pot was boiling then in earnest. All Panama was talking of a scheme for independence, rumors of every sort being current, but nothing definite being known. To have prepared a declaration of independence, ready for use the moment the Colombian Congress should adjourn, the conspirators took into their

confidence three lawyers of Panama, all enthusiastic supporters of the canal proposition. These men were E. A. Morales, who was advised that if the scheme should go through he would be made minister of government (domestic affairs, in the provisional cabinet; C. A. Mendoza, who was slated for the ministry of justice, and J. Henriquez, whose official status has not yet been defined. Morales, Mendoza, and Henriquez undertook the work of framing in secret the declaration and to have it ready for immediate use.

CHOOSING A FLAG.

Another thing was the flag for the new republic. The conspirators consulted over this several times. It was desired to evolve an emblem which should signify the unification of the liberals and conservatives into a party standing for Panamanian independence. A number of designs were submitted, but it was finally decided to adopt the combination of one red and one blue square, with two white squares, one bearing a red star and the other a blue, red being the color of the liberals and blue of the conservatives. The design being agreed upon, a colored plate showing the proportions of the flag and its color scheme was prepared and intrusted to Doctor Amador, who advised his niece, Señorita Maria Emilia Ossa, daughter of the Chilean consul-general in this city, that there might soon come a time when a new flag would be needed in Panama and that she should have the honor of making it.

THEN ALL WAS READY.

There remained, then, only the army and navy and the police force to be looked after. Isaac Brandon & Bro. and Henry Ehrmann had charge of the departmental money, and from them it was learned that there would be no trouble in getting hold of the \$145,000 on deposit belonging to the Department the moment independence should be declared. Trusted agents were then commissioned to "fix" the military and naval establishments and the police force. General Huertas, who was in command of the Colombian battalion, the garrison of the Isthmus, was approached, and was discovered to be willing to join the movement for certain stipulated considerations, chief among which was a bonus of \$25,000 (silver) for himself. Gen. Ruban Varon, who commanded the Colombian gunboat *Twenty-first of November*, formerly the *Padilla*, which sunk the *Lauterbo* in the battle in which Governor Alban lost his life, and which, since the revolution, has had her name changed to the *Third of November*, was also approached. He, too, was willing to become a Panamanian patriot in exchange for \$25,000, and the officers and men under him on the gunboat were equally susceptible to influence, the chief engineer and chief of artillery each bargaining their support for \$10,000 and the others for smaller sums. None of this money was paid in cash, but promises were made to pay it after the republic was established, and it has since been paid. In General Huertas's battalion were a number of officers and men whom he distrusted, so a story was artfully concocted that a revolutionary party of seventy men had landed on the coast of Chiriqui, the western province of the department, and the officers and men under Huertas's suspicion were dispatched to quell the disturbance. Whether they know of the establishment of Panamanian independence or not at this time is a matter of conjecture, as they have not yet returned from hunting the revolutionists, nor have they been heard from. Other individuals and agencies were manipulated in manner similar to that employed in handling Huertas, Varon, and the others referred to, and so thoroughly was the work done that when the Colombian Congress adjourned on October 31 without having ratified the treaty, the powder train for a Panamanian revolution had been laid and the match had actually been lighted to ignite it.

MERRILL A. TEAGUE.

[New York Tribune, December 25, 1903.]

REPUBLIC AND CANAL—SCENE OF ACTION SHIFTS TO COLON—HOW WORK WAS CARRIED THROUGH.

PANAMA, December 14, 1903.

All the necessary formalities for the establishment of a republic when the prime consideration was the securing of the commercial advantages to be derived from the ship canal having been completed at Panama on Wednesday, November 4, the scene of action was suddenly shifted to Colon. While the independence of Panama was practically proclaimed on the evening of November 3, the people of Colon, only 47 miles away, were in total ignorance of what had taken place until the arrival of the first train from Panama at 11 o'clock on the morning of November 4.

When that train arrived bringing passengers from Panama with more or less exaggerated reports of the occurrences in the metropolis of the Isthmus the day before, Colon prepared at once for the shock she had reason to expect because of the presence of 450 Colombian soldiers within her limits. The train from Panama brought an order from the governing junta dismissing General Cuadros from the office of governor of Colon and appointing Señor Mollendes, a mulatto of some ability, to succeed him. This was in accordance with a scheme arranged on the 2d of the month, when Mollendes was called to Panama by telegraph to meet the conspirators, at which meeting it was arranged that he should be appointed governor of this province, and he was directed to stand ready to assume the office the moment the order for his appointment should be communicated to him.

Mollendes needed no great amount of encouragement, and when the train arrived from Panama at 11 o'clock on the morning of the 4th he immediately announced himself governor of the province by appointment of the junta and took charge of the local government. This had hardly been done when Colon was thrown into a state of great excitement by the general circulation of the news that Generals Tovar and Amaya had been arrested and were even then in prison in Panama. The 450 Colombian soldiers were quartered in the Colon barracks, a large building formerly used by the railroad as a passenger station, and these soldiers at once assumed a threatening attitude. Colonel Torres, who was left in command when Tovar and Amaya went to Panama, was most obdurate, insisting that what had been done should be undone and the mischief repaired and promising to visit upon all concerned the direst penalties. The situation looked black for the American and other foreign elements in Colon, for the number of men who could be mustered to oppose any attempt by the Colombians to work vengeance upon the town was so small as to be almost insignificant in the face of the Colombian battalion, which was well armed and equipped.

AMERICAN INTERVENTION.

The United States gunboat *Nashville*, with her jackies aboard, was swinging at anchor in the harbor, but the one thing for which the secessionists and their American allies on the Isthmus were most desirous—actual American intervention—had not been accomplished. Captain Hubbard, of the *Nashville*, had, it is true, issued on the evening of the 3d an order to the Panama Railroad forbidding it to transport armed men in either direction across the Isthmus, but no American force had been landed. It was at this juncture that Governor Mollendes executed a little coup of his own, to which American intervention is directly traceable. Mollendes invited Colonel Torres, the Colombian commander, to meet him in conference at the Hotel Washington, another isthmian institution which is controlled by the Panama Railroad. Employing all his persuasive abilities, Mollendes urged Colonel Torres to re-

embark his troops and sail away, leaving the Isthmus to pursue its own course. This line of argument only increased Torres's bitterness. He became more defiant, even bombastic, and at 12.30 o'clock made a vehement threat that if Generals Tovar and Amaya were not given their liberty by 2 o'clock he would turn his battalion loose and slaughter every American in Colon. Mollendes waited not a minute after hearing Torres's avowal. Despite his excessive avoirdupois, he broke from the conference room in the Hotel Washington, and, running all the way, covered the 300 yards to the general office of the Panama Railway in remarkably fast time.

There he communicated to General Superintendent Shaler the nature of Torres's threat, and in a moment more a signal was going from the small tower on top of the railroad's general office, by wig-wag, to the *Nashville* to the effect that the life and property of all Americans in the city were endangered, and before Torres could have communicated with his force jackies were going over the *Nashville*'s side, constituting a landing party, small in numbers, but matchless for grit and ability to shoot. There were forty men in this party, under command of Lieutenant-Commander Witzel, executive officer of the *Nashville*, and they came up to the railroad wharf with the long, swinging oar pull common among man-of-war's men. They landed with a rush and double-quick to the freight shed of the Panama Railroad.

This building—a heavy stone structure—was admirably fitted for purposes of defense. It faces directly down the street along which the Colombian troops would have had to come to attack the Americans in Colon, and the only entrance to it is a large arch through which the trains pass. Into this arch was run a common flat car with bales of cotton laid across the end. Other bales of cotton were used to close the remainder of the opening, and the entire front of the building was barricaded with the same material. This part of the work was superintended by Colonel Black, United States Army, who happened to be in Colon from Culebra and who cheerfully tendered to the naval force the benefit of his engineering skill. The *Nashville*'s landing party had brought with them arms and ammunition for those civilians who might be disposed to assist in the work of defending American interests, and about 20 employees of the Panama Railroad and other foreigners volunteered for this service.

THE AMERICANS WERE COOL.

The situation is pronounced by Colonel Shaler, a civil war veteran, who has been in more than one close place, to have been one of the most desperate he has ever known. Against a force of 450 Colombian soldiers there was opposed not more than 60 American sailors, marines, and civilians. A brave dash, had it been attempted by the Colombians, might have put them in command of the situation by enabling them to overwhelm the defending force; but for some reason the dash was not attempted. All of the afternoon of the 4th the antagonists waited. The Colombians were kept closely in their garrisons, while the American force did not stir from the barricaded freight house. The latter realized that if they should be assaulted victory would almost certainly rest with the superior numbers, but they were prepared to sell their lives dearly, and their department at this critical stage was such as to deserve the admiration of the nation. The little company of forty jackies was there to do the work necessary to keep transit on the Isthmus open, and never for a moment did they falter in their determination. Colonel Black and Lieutenant-Commander Witzel were cool throughout the ordeal, directing operations as calmly as though they had an army back of them, and Captain Hubbard, of the *Nashville*, did not hesitate for one instant.

While the American sailors and civilians were preparing to defend themselves and all American interests on the Colon side of the Isthmus, Governor Mollendes was continuing his negotiations with Colonel Torres. Earlier in the morning Colonel Shaler had played his cards so adroitly as to have cleared the situation of the menace offered by the presence of the Colombian gunboat *Cartagena*. When that boat reached Colon on Tuesday morning she was short of water. There was plenty of coal in her bunkers, but of water there was virtually none, and the entire available supply of fresh water for stocking ships at that port is controlled by the railroad company, which maintains and operates its own waterworks. Wishing to refill his water tanks, the *Cartagena*'s commander called upon Colonel Shaler to negotiate for the needed supply. Colonel Shaler is a most kindly disposed gentleman, always ready to help a fellow-being out of a dilemma. But when the Colombian commander made his desires known, the colonel happened, just at the moment, to remember that the Colombian Government was indebted to the railroad company to the amount of \$7,000 gold for coal, water, and other supplies furnished Colombian naval vessels from time to time. Knowing what had happened at Panama, Colonel Shaler thought that it would be wise to collect the debt and exact payment for the water needed by the *Cartagena* before assuming the rôle of a benefactor to the Colombian naval establishment. He remembered, too, that he had received positive orders not to furnish further accommodation to Colombian naval forces, and with much regret he explained his inability to aid the Colombian commander.

ALL NEATLY DONE.

The latter was of the opinion at once that Governor Obaldia, at Panama, would undertake to see to it that the delinquent bill was paid, and after some discussion upon that point asked permission to telegraph Obaldia. Colonel Shaler remarked, almost casually:

"There is no governor of Panama."

The Colombian captain was naturally dumfounded at this statement and asked for an explanation, which was readily given him by Colonel Shaler, who maintained his placid demeanor and quality of gentle speech. Carefully and quietly he detailed the circumstances attendant upon the revolution of the day preceding, and clearly demonstrated to the *Cartagena*'s commander that there was no governor of Panama, hence there was nobody on the Isthmus who could guarantee the payment of the railroad's bill for \$7,000. It was all nicely done, and the Colombian was brought to appreciate just why it was that the railroad could not refill the *Cartagena*'s tanks. There was some further talk between the two men, and the Colombian naval captain then left Colonel Shaler, going directly to his ship, which sailed out of the port a few minutes later without having communicated with Colonel Torres, and leaving the troops she had landed the day before to shift for themselves.

With the *Cartagena* gone, and with the freight house in control of and strongly barricaded by the American force, Colonel Torres consented late on the afternoon of the 4th of the month to incline his ear to Mollendes's arguments. He, too, was brought to see the futility of opposing the inevitable and already accomplished independence of Panama, and at last consented to reembarc his troops and sail away from Colon in return for \$8,000 gold. The Royal Mail steamer *Orinoco* (English) was at her dock at the time, and as the charge for returning the Colombian battalion to Cartagena was only about \$3,500 gold there was a good margin of profit in the bargain Torres had driven; but to the discouragement of such patriots, it may be stated that the Colombian Government, learning of the transaction through the wide publicity given to it, compelled Torres to disgorge when he reached Cartagena. The deal having been made, the question was to raise the \$8,000 necessary to make it effective. That amount in gold is not to be had on the Isthmus of Panama upon demand, and Mollendes was in somewhat of a quandary. There are, however, various ways out of a dilemma, and Mollendes bethought himself of Colonel Shaler.

FINANCING SCHEME.

It happened, very fortunately, that the Panama Railroad had \$8,000 in gold on hand at the time, but that corporation is not engaged in the business of transporting Colombian soldiers at its own expense. The money was forthcoming, however, and a very pretty story was then fixed up and sent to the press in the United States about the generosity shown by the merchants of Colon and the promptitude with which they raised \$8,000 in gold (equal to \$20,000 in Colombian currency) to satisfy Colonel Torres. That story was pure fiction. The fact is that when Mollendes reported his demands to Colonel Shaler he telegraphed to the firms of Isaac Brandon & Brothers and Henry Ehrman, bankers, of Panama, who held on deposit all the public money on the Isthmus. In this telegram Colonel Shaler stated that the Isthmus could be cleared of Colombian soldiers by the payment of \$8,000 in gold, and asked if the bankers would reimburse the railroad from the public funds if it advanced the sum needed. Brandon & Brothers and Ehrman lost no time in answering in the affirmative, and the \$8,000 was delivered by the Panama Railroad to Governor Mollendes, who turned it over to Colonel Torres.

This transaction completed, the Colombian troops marched from the barracks to the Royal Mail dock to board the steamer for Cartagena. This dock runs at right angles to the freight house of the Panama Railroad, distant only about 100 feet, and the Colombian troops had no sooner marched out onto the dock than Lieutenant Commander Witzel and Colonel Black swung the line of the American barricade out so as to close and command the dock on which the Colombians were massed. It was the morning of November 5 before all of these details had been attended to, the opposing forces having rested on their arms during the night of the 4th. After reaching the dock and being just ready to go aboard the English steamer, the Colombian troops threatened to revolt because the captain of the *Orinoco* demanded that they surrender all their arms into the ship's charge before coming aboard. The delay was protracted, the American force standing guard behind its barricade while it lasted. The Colombians conceded the point in the end, however, and stacked arms on the dock, leaving it to the stevedores to take charge of and store them in the hold. Very soon thereafter the British steamer sailed away, and the secessionists were left in absolute and unopposed possession of the entire Isthmus, not a shot having been fired by them in the achievement of their independence.

[New York Evening Post, December 26, 1903.]

GUIDING THE NEW REPUBLIC—THE PANAMA JUNTA IN LEADING STRINGS—THE ELECTION PUSHED AHEAD AT THE SUGGESTION OF REAR-ADMIRAL WALKER, FOR ITS EFFECT IN THE UNITED STATES, AND TO FORESTALL HARASSING QUESTIONS IN WASHINGTON SENATE—AMBITIOUS VICE-PRESIDENTS BEING DISTURBING FACTORS IN LATIN-AMERICAN REPUBLICS, PANAMA WILL HAVE NONE—BUYING BONDS WITH CANAL GRANT MONEY A MOVE TO LESSEN TEMPTATION IN A LAND OF GRAFT.

PANAMA, December 15, 1903.

Members of the junta de gobierno provisional called on Rear-Admiral Walker the other day, when there had been difficulty about arranging the details of the constitutional convention, and, according to their report, what he urged upon them was this:

"Go ahead and hold your election, hold your convention, adopt a constitution, and choose your president. You must have a permanent form of government just as soon as you can get it. I want it for the effect in the United States. If you don't proceed promptly, MORGAN or somebody will rise up in Congress and say: 'Why this so-called republic has no government established.' All you have to do is to hold your elections at once and sit fast till the treaty is ratified."

They had fixed upon January 4 for the election, but at once changed the date to December 27. In the decree announcing this the date for the assembling of the legislators was set for January 15. There will be one chamber, with thirty-five deputies, seven from Panama and four from each of the other seven provinces, which will be the permanent form for the lawmaking body. After adopting a constitution the deputies will become an electoral college, and will choose the president of the Republic. Being the "Hijo predilecto de la Patria," and the need for harmony standing above everything else, Amador will receive all the votes. It was perplexing to select the candidate for vice-president. Persons with equal claims and inclinations toward the office abounded, but, on advice of Panama Railroad officers, it was determined to have no vice-president at all.

In several Latin republics, you must know, it is the vice-president who oftenest contrives the overthrow of the president, and well-intentioned as the Panameños are, their ideas of politics are more South American than North American. They are aware of this themselves, and readily assented to the plan of no vice-president. The secretary of state will succeed to the presidency in case of the disability or death of the president. The secretary of state is likely to be Arango, lately the lobbyist or "special agent" of the Panama Railroad at Bogota. He will be a power behind the chair of Amador, and has so many partisans already for the presidential candidature that those familiar with yeasty Spanish-American politics are somewhat apprehensive about the future. For the present all the men in the provisional government are endeavoring to act well and wisely. Their heads would have to pay if by some odd chance Colombia regained possession of the Isthmus.

MASTERS IN GRAFT.

It was to put a check upon any "reversion to type" in political methods that the junta agreed to invest in United States bonds \$3,000,000 of the \$10,000,000 coming in return for the canal grant. Doctor Amador told Secretary Hay that the debt might be paid mostly in a special issue of United States bonds, but Mr. Hay thought that would not look well; better for the Republic to receive the cash and then buy the bonds itself.

The motive for revolutions below the Tropic of Cancer is to resist exactions and then, if successful, to be able to impose similar exactions on the defeated party. Liberals in Panama have been as high handed as Conservatives in compelling tribute when they could.

Officeholding has been regarded as a means of enrichment. The only residents here, one is assured, who are antagonistic toward the present or incoming Government are those who did not receive places for themselves or friends.

Some members of the provisional government, it may be added, reserve a special and elaborate politeness and an ingratiating cordiality of bearing toward contractors and concession hunters and "prospectors." There have been many of these, and more are on the way. One of them, capable of giving points to M. J. Dady, confides to me that "the Panameños are the greatest grafters yet." His kindly theory is that they have submitted to such irregularities of government that in comparison the American rake-off system seems to them the level of honesty.

As an instance of former practices, an officer of the *Tres de Noviembre* relates how a quarantine officer used to hold up shiploads of passengers bound across the Isthmus for New York until they contributed \$50 gold. They complied always, for delay would have meant missing the Atlantic steamer and staying in Panama a week.

BANKING KEPT IN THE FAMILY.

H. E. Morgan, of the International Banking Company of Washington, has been here to report upon the advisability of establishing a branch bank in Panama. He was told to "go and see Brandon." He went to see Brandon. Brandon inquired: "Would your bank make a loan to the Republic whenever called upon? We do that. Perhaps you'd like to take the obligation off our hands? Ehrman and I advanced the \$200,000 for the revolution."

Mr. Morgan then called upon Federico Boyd, one of the three consuls. "You can't start a bank here," said Boyd. "Isaac Brandon and Henry Ehrman do all the banking. We are still under the laws of Colombia, and they do not permit the starting of new banks."

Mr. Morgan went to Doctor Amador and complained: "As the representative of my company I must cable this surprising information which Mr. Boyd gives me—that an American company is prohibited from doing business here. Now, there are some influential men on our directorate. When they hear and when they let the people hear that you won't allow an American bank to open a branch here, I believe that the sentiment aroused will seriously endanger this treaty you are worrying about."

Doctor Amador was annoyed. "Mr. Boyd is mistaken. What he probably meant was that you could not start a bank here and issue money." Mr. Boyd, though Doctor Amador did not say so, is closely related to Brandon and to Ehrman, and families pull together in Panama.

A banking monopoly, if it could be maintained, would be profitable. There will be 6,000 more people on the Isthmus soon, and they will want to send money home. The paymaster of the flagship *Marblehead* says he was charged 2 per cent for money for ten days on a draft on the subtreasury at New York. Mr. Ehrman, according to Mr. Morgan, "tells the man who comes in to buy exchange that the rate is just what the house of Ehrman decides to charge."

PREVIOUS ELECTIONS ONE-SIDED.

There have been other elections on the Isthmus, but none to serve as a model for this. Hitherto only one party has been expected to cast its vote. If the soldiers were carefully and industriously voted, that was sufficient. The opposition to the party in control of the military seldom ventured to present itself at the polls. That was scarcely the custom of the country. For grievances the remedy was not the ballot box; it was the gun. Any man disappointed over the rejection of his services by the administration took to the bush and collected as many men and boys as he could to bear arms against the Government. Weapons would be accumulated by waylaying inferior bodies of soldiers and capturing their equipment. When this opposition party had men and guns enough it gave battle. The outcome—the decision deriving from superiority in combat, so loved by the ancients—constituted a popular election. Principles played no part; fortune favored the heaviest battalions.

THE BISHOP'S LITTLE FLAG.

Poor preparations, perhaps, for the peaceful balloting which the United States will desire to see established in place of these combats of force. But it will make no difference this time, for there will be but one party in the field. Under the decree of November 11 nobody who speaks against the "transformacion politica consumada el glorioso 3 de Noviembre" is permitted to remain in the land. More than 150 persons have been deported in accordance with that decree, and it has been a stern lesson. If there are persons still on the Isthmus who disapprove the transformation they will make no loud talk about it. Jalier Junnito, the slender, white-haired Bishop of Panama, frankly refused to take the oath of allegiance to the new Republic. "My concern," he said, "is with your souls, not with your politics." He is a Colombian and a Jesuit, yet professes his sentiments so openly that he is not feared. Besides, the other morning, the morning of the day of the Purissima Concepcion, after he had hung upon the palace wall the flag of Mary and disappeared, he returned and placed beside it a new little Panameña banner.

Cooperation will be asked of the bishop in the matter of extending and secularizing schools. For four or five years there have been few public schools, owing to the three-years' war. They never have been encouraged by Government. The boys were required for military service, and the girls did not matter. Persons who could afford it sent their children to the States each autumn. Now that the church can not hope for the State support, the proposition is to take over some of its educational equipment. Even if that be accomplished, the minister of public instruction, who is to be a cabinet officer, so important is his place considered to be, will have an almost empty field in which to erect a school system.

NEW ROADS AND RAILWAYS.

Colombia never built a bridge nor made a mile of roadway for the Isthmus. In the States such works are seldom national, but in a wild, thick, unsettled, hardly penetrable land like this towns or communities are too small to undertake them. The Junta de Gobierno is being urged by American interests to spend the first half million of the canal money on a highway which will connect the canal strip with the northern end of the Isthmus, to David in Chiriqui. A contractor has offered to build it for \$7,000 a mile. "After it is built," ran the advice to the junta, "you can put a railway along it. You will need railways to develop the country." This advice came from an officer of the Panama Railroad. His road becomes United States Government property along with the canal, and the likelihood is that persons interested in the company thus bought out will build a railway to the north and to the south, if they get Government assistance.

F. C.

[New York Tribune, December 28, 1903.]

PANAMA REVOLUTION—EFFECTED BY A MUNICIPAL COUNCIL—PEOPLE TOOK NO PART.

[From a special correspondent of the Tribune.]

PANAMA, December 16, 1903.

The territory known to the Colombian federation as the Department of Panama, and now embraced by the Republic, is a long, narrow strip of land extending in a generally easterly and westerly direction. It is about 475 miles long, measured in a straight line, and varies in width from about 47 miles, between Colon and Panama, to something more than a hundred miles at its eastern extremity and along the eighty-first parallel of longitude. On the west it is bounded by Costa Rica, with which nation there is a long-standing boundary dispute, while on the east the Gulf of Darien and the Atrato River mark its separation from the South American mainland and the great body of the Colombian Republic.

The coast line, considerably more than 1,000 miles in length, is rough and broken. The surface of the country is generally mountainous, although immense swamps and stretches of treeless upland are frequent. Except along the coast the country is almost entirely uninhabited, all of the towns and cities of any consequence being located next to the sea or very near to it. In the interior are bands of Indians, two or three of the more important tribes of which have rarely been communicated with. Vast areas in the extreme eastern and western portion of the country remain wholly unexplored, and the knowledge of what the interior holds is most limited. In this territory there are supposed to live, including Indians, about 300,000 persons. No

attempt has ever been made to take a census of the population, so the figure named can only be taken as a more or less accurate estimate.

This territory, while it stood in the Colombian federation as the Department of Panama, and at the time of the secession, was divided into seven provinces, Chiriqui, Los Santos, Varagnas, Panama, Colon, Bocas del Toro, and Cocola. Each of these provinces was governed by a governor, subordinate to the departmental governor. Each had its council, and each was entitled to representation, by senators and representatives, in the two branches of the Colombian Congress, which sat at Bogota. It will be seen from this explanation that, no matter how corrupt, inefficient, and oppressive the old order of things may have been, the fabric of the state was complete in all of its details, the governmental structure having been carried down as perfectly in theory as it is in our own Union. It follows from this, as a natural presumption, that in the secessionist movement all of these provinces should have had a voice. It happens, however, that, natural as that presumption may be, it is wholly groundless in this instance. The natural corollary of the last statement is that the Republic as it stands does not represent the people of Panama—speaking now of the entire department—and such is actually the case. It may represent them in the sense that the sentiment of all the people concur in what has been done, but it is an indisputable fact that outside of the city of Panama the people of the new Republic had no voice whatever in the establishment of the Republic.

PEOPLE NOT IN THE SECRET.

The secessionist movement began with three men, and was executed under the supervision of those three and four others, the seven working under the advice and counsel of four Americans. Before the coup d'état others were, perforce, taken into the secret; but so closely were the plans guarded that those who were really in the secret and knew definitely the details might be counted on the fingers of the two hands. This brings us to the revolution itself, and introduces the strangest of all the contradictions discoverable in connection with the birth of this national infant. The uprising took place on the 3d day of November, being initiated by the arrest of Generals Tovar and Amaya and Governor Obaldia, which took place in the city of Panama. That city knew, of course, what had occurred the moment the arrests were effected, but Colon was kept in ignorance of the secession until the following day. It was on the 4th of the month that the public meeting was held in the cathedral plaza, Panama, the independence of the Republic proclaimed, and the declaration of independence, or manifestation, as they call it here, was signed.

Bearing in mind the fact that seven men, aided by the soldiers and others whose support for the movement had been purchased with dollars, were alone responsible for the sudden revolution in the political status of Panama, one may wander away down a stretch of not uninteresting inquiries. Were the people of the other provinces consulted as to what it was proposed by the secessionists to do? They were not. Were the people, speaking in general terms, of the provinces of Colon and Panama let into the secret? They were not. They knew, by general rumor, that a revolution was on the tapis; but they had not been consulted nor their advice asked as to the wisdom or unwisdom of what was contemplated. Was a provisional congress, composed of delegates from the several provinces, held for the purpose of debating the project and framing a bill of separation? Nothing of the kind was ever thought of. How, then, was the affair carried through? In this simple and unique manner:

The little band of secessionists let the members of the city council of Panama into their secret late in October, when it became evident that a blow would have to be struck very soon or forever withheld. These city councilmen—eleven in number—were willing to further the project, so that when the public meeting was held in the Cathedral plaza, Panama, on November 4, they were all in attendance. They, too, were the first to sign the declaration of independence, and immediately after that formality they adjourned across the street to the municipal building and went into session behind closed doors. Their first act then was to pass the declaration, which had already been engrossed in a book of record, and to append their names to the engrossed copy. This done, the city council appointed the three members of the provisional governing junta, authorizing them to take charge of the affairs of the new Republic. The junta assembled at once and named the members of the provisional cabinet, and the new Republic became a fact. On the same day Porfirio Mollendes had taken charge of affairs at Colon as provisional governor appointed by the junta; but outside of the cities of Panama and Colon and along the line of the Panama Railroad the people of the new Republic were in entire ignorance of the fact that they were no longer subjects of Colombia.

DONE BY A MUNICIPAL COUNCIL.

It seems almost incredible that the municipal council of a city of fewer than 25,000 people should take unto themselves the right to create a republic out of a territory equal in area to the State of Indiana; but that was what was actually done in this case. Instead of a provincial congress, the city council of Panama passed the act of independence. Every legislative formality incident to the creation of this Republic was performed by these city councilmen, no portion of the new Republic, except the city of Panama, having a voice, by representation, in what was done. Nor has any other portion of the new Republic had such a voice to this day. No congress had been called to ratify the secession, nor has any one of the seven provinces been requested to assemble, in council or by mass meeting, to pass an act of ratification. There might be a parallel for this procedure if the municipal council of one of our own cities—Indianapolis, for instance, since the area of Indiana is about the same as that of Panama—should pass an ordinance declaring the State of Indiana a free and independent nation; but the average American imagination is impotent to summon such a spectacle as that into being. But it was that very thing which was done here, when the municipal council of Panama legislated for the 300,000 inhabitants of this territory in severing all their obligations of fealty to Colombia, making them free and independent; and doing these things without consulting any of those 300,000 inhabitants, save an insignificant minority, restricted in numbers practically to the original band of secessionists.

It is not intended by the foregoing to impeach or to compromise the existence of the new Republic. Such an attempt would be fatuous, for the new Republic is actual. The purpose is merely to show the incongruity of the procedure, although no Panamanian can be brought to see that there is anything irrational, incongruous, or contradictory in the fact that a republic has been created by an ordinance passed by a city council. The inability of the Panamanians to realize what impresses Americans as little short of ludicrous is doubtless due to the fact that measures have been taken, though not by legislative steps, to bring the whole territory to accept the new form of government. Immediately after the creation of the Republic and the appointment of the junta by the city council of Panama, the junta took steps to this end. Emissaries were sent into the different provinces to proclaim the establishment of the Republic. These emissaries were effective orators—as are nearly all the people of these southern countries. They toured along both coasts, east and west, and stopped at the principal cities. Their coming was unannounced in these cities, which, until the arrival of the emissaries, were

without knowledge of the fact that Panama had seceded from Colombia. David, Chiriqui, Santiago, and other cities and towns along and adjacent to the Pacific coast; Bocas del Toro, Nombre de Dios, Porto Bello, etc., on the Caribbean shores, were visited in this way, and reports have been received from all of the emissaries, although some of them have not yet returned to Panama.

PROCESS OF PROCLAMATION.

In each of these cities the emissary would, upon his arrival, employ the local band of musicians. Taking a stand in the principal plaza he would draw his crowd by the band's efforts, and when a number sufficient for his purpose had assembled he would read the declaration of independence. Following the reading would come his harangue, the burden of which was that the establishment of the Republic meant the construction of the ship canal by the United States across the Isthmus, and that the construction of this canal meant that the United States would have to pay to the Republic a sum of money sufficient to make all of the people rich and prosperous. This was done in every instance, and the orator's argument, being addressed to a people among whom poverty in its most abject form prevails, never failed to elicit enthusiastic responses in approval of what had been done. The business of the emissary was then to report to the junta that the people of that town accepted the Republic and gloried in its creation.

This procedure has been followed in treating with all of the people of the Isthmus. In a more formal manner some of the provinces have communicated with the junta through their governors. Support has been tendered in this way of men and arms to support the Republic's independence, and, while it is not pretended that anything like all of the people of the Republic have been communicated with, the assurances through the emissaries and the governors have been sufficient in number to carry the conviction that the people of Panama generally approve the severance of their relations with Colombia. If they lack patriotism of their own they certainly have no love for Colombia and are glad to escape her dominion, their willingness extending to ready acceptance, after the event, of all that was done by the city council of Panama, which enjoys the unique distinction of having by a simple ordinance created a republic, so far as the formal structure of this republic is concerned. From this it will appear—and such is the indisputable fact—that the Republic of Panama exists to-day, in its governmental features, because it is unopposed. The junta is governing without opposition, and, while the allegiance of none of the people except the soldiers and sailors has been pledged to the new Republic, the junta constitutes a governing body de jure, because there is no dispute as to its authority.

Into the situation created under and by these contradictory conditions and methods there enter several elements of danger. The first and most important of these is delay in giving to the Government the form of more certain acceptability to the people. The people are acquiescent now because the condition is new and novel, but how long they will remain so is problematical. The conviction is universal among them that the United States will begin actual canal operations at once. Everybody is expecting money to flow freely within the next few days, because they have been encouraged to believe that the establishment of the Republic means the immediate beginning of work on the canal. This is seen in divers ways. Hotels whose bars have been closed since the cessation of canal work by the French fourteen years ago are preparing to open them within a few weeks. Owners of renting property in Panama and Colon, who have accepted nominal rents from the natives and nondescripts, are turning these people out of their premises in the expectation that within a few days there will be such an influx of Americans as to send rents booming. Speculation of every sort is rife, based upon this belief, and upon every tongue is the slogan, "The canal is coming." To Panamanians who saw and participated in the riot of French extravagance and corruption the fact that "the canal is coming" means flush times, and Panama can hardly restrain itself until the moment of actual operations arrives.

REACTION WILL COME.

From this condition there is certain to be a reaction. The United States will not begin canal operations for months, for if the advice of men like Admiral Walker, Col. William Henry Black, the army sanitary expert, and other Americans now here is accepted months must elapse, even after the ratification of the treaty by the United States Senate, before sanitary conditions can be so improved as to permit the work of canal construction to begin. This means that a season of dire disappointment, inviting to dissatisfaction with the Government, is certain to prevail; and facing this prospect the Government lacks proper recognition by the people. All thought of creating a government by the formal adoption of a constitution and the election of administrative officials waits upon Dr. Manuel Amador's return from the States; but the wiser heads believe a serious mistake is being made in thus delaying. The demand that a constitutional convention, with representatives from all the provinces, be called is becoming insistent, the more farseeing among the Panamanians believing that it is essential that the republican Government be given a more substantial foundation and something upon which it can more certainly claim the adherence of the people than is possible through the mere fact that it exists now because it is without opposition.

Another disturbing factor, and one bound to assert itself sooner or later, is the conflict over the relations between church and state. The policy of the Conservatives—who for years governed the country—was that the state should support the church. The Liberals opposed this, and the sentiment among the leaders of the new Republic is that, while there should be no interference with the established religion—the Roman Catholic—the church must look to its communicants and not to the state for support. Among a people so poverty stricken as are the Panamanians the support of the church would mean the imposition of a serious burden, and, as the padres are sure to encourage the people, when the new policy shall have been actually instituted, that they are being imposed upon, the religious unrest will assuredly provoke problems with which the Government will have to deal.

Already there are rumors of dissatisfaction. Jealousies are beginning to crop out among those who stood shoulder to shoulder in the creation of the Republic. The sentiment prevalent a few days ago that Doctor Amador should be the unopposed choice of the people for the first President of the Republic is beginning to modify, and an Arango party, fostered by powerful influences, is coming into existence; and when it is remembered that here political campaigns are carried on in the form of revolutions, there is every necessity for the United States to insist upon immediate action toward the formation of a suitable government, chosen by the people, and to which all the people will give their allegiance. The Republic of Panama being nonexistent so far as the people are concerned, and existing only because the provisional junta's authority has not been disputed, it is required, to correct this contradictory condition and to enable the serious problems which will shortly arise through disappointment and religious unrest to be properly and effectively handled, that a government be quickly established upon the consent and free participation of the people. Until that is done the Republic of Panama will continue as an anomaly, secure only in the fact that the interests of the United States are such that that Government will not permit this one to be destroyed, either by invasion from without or by disturbances within.

[New York Tribune, January 2, 1904.]

"KING OF THE ISTHMUS"—COLONEL SHALER AND OTHER MEN ACTIVE IN PANAMA AFFAIRS.

[From a special correspondent of the Tribune.]

PANAMA, R. P., December 20, 1903.

"King of the Isthmus." There is, of course, no real king of the Isthmus, but that title is bestowed colloquially and affectionately upon Col. J. R. Shaler, general superintendent of the Panama Railroad. Colonel Shaler is dean of the foreign colony on the Isthmus, chief of all Americans who reside here, and far and away the most influential man in the new Republic. That element of the population of which he is the leader having played an important part in the recent revolution and being by force of circumstance compelled to figure conspicuously in the future affairs of the Isthmus, it must be considered.

That Colonel Shaler is "King of the Isthmus" is a fact one discovers very soon after landing from the steamer at Colon. All questions are referred to him for decision; his dictum has the force and effect of law and his advice is unhesitatingly accepted and followed. The distinction conferred upon him by the title he bears was never sought by Colonel Shaler. It is a natural sequel to his personality and the exercise of his talents during a residence of almost a decade upon the Isthmus, for Colonel Shaler is a strong man among weaklings; a man of genius among men who have little capacity for initiation; a man of determination among a race of equivocators.

A native of Kentucky, Colonel Shaler carries his seventy-eight years with all the sprightliness of exuberant youth. Tall and lean, molded like a genuine thoroughbred, with muscles like steel wires, his bushy hair and gigantic mustache and imperial are of the whiteness of new-fallen snow. This man—a veteran of the civil war, an expert in the management of railroad properties, fearless, and resourceful—does each day the work of a man of half his years. Every detail of the management of the Panama Railroad passes under his immediate supervision. In his private car he journeys several times each week between Colon, where he resides, and Panama attending to the railroad's business. It is true that the railroad, with its 47½ miles of track, is not an immense affair, but as the sole medium of transit across the Isthmus and a highway for the commerce of the world it is of first importance, and with its enormous business it requires for its successful conduct the guiding hand of a railroad genius.

SHALER IS IMPROVING THE ISTHMUS.

But busy as are his hours with the railroad's affairs, this American "King of the Isthmus" finds ample time for nonofficial matters. As the executive head of a railroad which has to all intents and purposes, under the canal treaty, been sold to the United States Government for \$7,000,000, Colonel Shaler knows nothing of the inside details of the secessionist movement. Here on the Isthmus they say, however, that if the whole truth could be known the Republic of Panama would be revealed as being very largely a creature of Colonel Shaler's genius, and in proof of their contention they point to the leading rôle assumed by Arango, the railroad's special agent, in bringing about isthmian independence. From the colonel himself there can be obtained only an admission that the railroad was interested in maintaining the freedom of transit across the Isthmus. It had nothing to do with the revolution itself, and while it lent its freight house for a fort on November 4 and 5, and while Colonel Shaler persuaded the commander of the Colombian gunboat *Cartagena* to sail away from the Isthmus, leaving Colonel Torres and the Colombian troops in the lurch, these were only simple steps toward keeping isthmian transit open.

Colonel Shaler has been at his present post for about nine years, and the impress of his personality and capability is found all over the Isthmus. Prior to his advent the railroad was a thing separate and apart from Panama. Under its concession it declined to acknowledge the regular police authority on the Isthmus, and a man who committed a crime and succeeded in reaching the railroad property was free from pursuit. Colonel Shaler has changed this. The Panama police authority now extends over the railroad property and a great impetus has been given to order and the security of life and property.

SUBSTANTIAL BETTERMENTS.

In a more substantial way the colonel has encouraged the development of the Isthmus. Before his time rates on local freight traffic across the Isthmus were so prohibitive that persons living inland could not avail themselves of the wondrous fertility of the soil. It has been Colonel Shaler's policy to furnish adequate means for local freight transportation. Banana and rubber plantations and cattle ranges are now appearing along the line of the railroad and the people are being educated to avail themselves of the opportunities afforded for the profitable cultivation and employment of the land.

The La Boca terminals of the road, 3 miles from Panama and immediately adjoining the Pacific terminus of the proposed canal, are another proof of this man's constructive ability. These terminals, with plenty of trackage room, a steel pier 1,000 feet long, equipped with electric cranes and all modern appliances for cargo handling, have revolutionized transisthmian commerce and added immensely to the value of the railroad property. Under the direction of this same genius much of the line of the railroad has been rebuilt with heavy rails, better curves and fewer of them, more substantial bridges, imported cypress ties, and cut-stone ballast, so that to-day, in a physical sense, the property compares favorably with the better examples of railroad engineering in the States.

The man who has done these things, and who by the simple exercise of his natural talents has won the title of "King of the Isthmus" is unique in his personality. With characteristic Kentucky brusqueness he repels every suggestion that the Isthmus is unhealthy, and defies all tradition and all the cautions of the medics by refusing to use nets in a land which is infested with germ-carrying mosquitoes.

"The Isthmus is a health resort" is his contention; nor can the fact that last year he lost three sisters by yellow fever, the three dying within fewer than twenty days, change his opinion of the health qualities of the Isthmus. A bachelor, he declares that "the worst woman is better than the best man." Yet women are almost entire strangers at his bungalow, a rambling towered structure, set down in the midst of a coconut grove on the choicest part of the water front of Colon. In this bungalow there is the atmosphere of a man's club—large reading rooms, carefully arranged stacks of books and periodicals, billiard and pool tables, shower baths, men servants, and those other things which predominate in places frequented by men only.

Here Colonel Shaler confidently expects to spend the next few years. "I am too young to think about quitting work," he says. When the United States shall have become firmly established on the Isthmus and undertaken the management of the railroad, he may return to the States to live upon his competence; but just now the colonel—chivalrous, genial, courteous with the old-school Southern type of courtesy, and buoyantly active—is carrying too much of the burden of the new Republic for him to think of laying it down.

H. G. PRESCOTT IN THE REVOLUTION.

When, on November 4, Colonel Torres was hesitating about accepting the sum of \$8,000 gold offered him if he would take the Colombian troops that

had landed the day before at Colon and sail back to Cartagena, it looked for a time as though only the release of Generals Tovar and Amaya, who were held prisoners of the Republic at Panama, would avert a clash between the Colombians and the American marines. Torres insisted upon seeing and conferring with the two generals. The officials of the new Republic were loath to grant his demand; Torres could not run the risk of crossing the Isthmus to probable arrest. It was then that Herbert G. Prescott, assistant superintendent of the Panama Railroad, with headquarters at Panama, took charge of this end of the situation. He demanded that Tovar and Amaya be produced at the railroad station in this city, and his demand was granted.

A special train was in readiness to transport them across the Isthmus, and Prescott made himself personally responsible to the junta for their safe return to custody. Commander Hubbard, of the *Nashville*, had issued an order forbidding the transportation of armed men in either direction by the railroad. Prescott did not propose to violate this order, but he had to run the risk of Tovar and Amaya trying to escape or of an attempt being made to rescue them. He was therefore justified when he agreed to let about twenty-five of his friends who wished to reach Colon take passage on the train. That each one of these friends carried a revolver in his hip pocket was a fact of which Prescott was officially ignorant; but so determined is his own disposition that had Tovar or Amaya tried to escape, or had an attempt been made to rescue them, Prescott knew his friends would not see him outwitted. It happened that Torres succumbed to the temptation offered by \$8,000 before the special left Panama, but the incident shows that Prescott is not without resources and that he understands the art of doing things in the right way.

Next to Colonel Shaler, Mr. Prescott is the most formidably prominent man on the Isthmus. His position is one of extreme importance. He has lived long in Central American countries, although still a young man; speaks Spanish like a native, understands most intimately the weaknesses of the Panamanian character; is enthusiastic, fertile-minded, adroit, and most capable. He is carrying to-day a card hastily penciled at the moment when Panama independence was established, and signed by the members of the junta, on which is attested the fact that but for the assistance rendered by H. G. Prescott the Republic of Panama could never have been created. He knows, down to its minutest details, just what part the railroad, by its command over transisthmian traffic, is fitted to play in the affairs of the country, and during the whole separatist conspiracy he was recognized as first aid-de-camp to Doctor Amador, the chief conspirator.

Personally, Mr. Prescott is open-hearted, generous, and lovable. Easy mannered, always smiling, the Panamanians delight to acknowledge him as one of their own number. He maintains a comfortable home in this city. His wife is a native of Panama, although one of her ancestors on either side was an American who settled here during the "forty-niner" days. Beautiful and accomplished, Mrs. Prescott is a leader in all the social functions of the new capital, and since Mr. Prescott has no thought of ever quitting this country, the new Republic will know him as one of its most prominent citizens and important figures.

GENERAL JEFFRIES, ADMIRAL.

A short, stocky figure, broad and powerfully shouldered and exuding an atmosphere of aggression, topped by a round head bearing a sparsely deposited crown of light-brown hair, is to be seen on the streets of Panama daily. This figure approaches with rolling walk, quick and energetic, and behind a rather pallid complexion blue eyes sparkle and twinkle. Everybody in Panama knows and respects the man—H. O. Jeffries, an American citizen, a native of New York City, who formerly held the rank of general in the Colombian army, and who is now admiral of the navy of the Panama Republic. Jeffries is one of the foremost characters of the Isthmus, and next to Shaler and Prescott no American here had a more important part to play in the recent revolution than did he.

Although he is a typical soldier of fortune, Jeffries resents that appellation. Born of a Virginia family which has held portions of the Old Dominion for more than two centuries, he first drifted into Central America nearly a score of years ago as a civil engineer on one of the Nicaraguan Canal surveys. In these latitudes he has been ever since. He has fought in nearly every revolution from the borders of Peru to those of Mexico, and as a brave and dauntless combatant he enjoys an unrivaled reputation. His loyalty in the cause in which he enlists has never been impeached. He carefully avoids anything resembling the demeanor of the swashbuckler, but he can throw more lead, and throw it quicker and surer, than any other man in South or Central America, and he is respected accordingly.

He has figured in romance and history; he has busied himself for many years looking after distressed Americans in these countries, and it is credibly reported of him that he has at his own expense buried no less than 150 Americans who have succumbed to the rigors of the tropical climate. Among this number have been four American consuls, and he is now educating in Washington the children of an American consul who died here and left his family destitute.

A natural fighter, expert in the handling of men on land or sea, capable of navigating a ship, Jeffries, whose years have been spent in revolutionary strife, is kindly disposed and most genial. He speaks in low tones, holds himself above boasting, is devoted to his family, which consists of a charming young wife, whom he married in Costa Rica, and a little daughter, and will go to any amount of trouble to accommodate a friend. It was largely under General Jeffries that General Huertas, commander in chief of the Panamanian army, secured his military training; but Jeffries would depend upon Americans rather than upon Panamanians. As a result his flagship, the *Third of November*, recently renamed from the *Twenty-first of November*, is principally officered by Americans. The captain, who is little more than a pilot, is a native, and so are the sailors; but in the responsible posts, as engineers, artillerymen, etc., Americans alone are to be found.

JEFFRIES BROUGHT HUERTAS OVER.

In the recent revolution Jeffries—who is said to have declined any remuneration for his services—was picked to effect the capture of the Colombian gunboat *Cartagena*. That vessel was expected at Colon about the time the separatists had planned to declare the independence of the Isthmus, and it was arranged that Jeffries, with seventy men, should cross the Isthmus and seize her in the name of the Republic. Her appearance as a transport for 450 Colombian soldiers frustrated this scheme, but it is currently reported and generally believed that Jeffries served the Republic most acceptably by engineering the scheme by which General Huertas was induced to give to the separatists the support of the troops stationed here. Certain it is that Jeffries is high in official favor, his selection for the post of admiral of the navy, in succession to Ruben Varon, who delivered the gunboat *Twenty-first of November* to the revolutionists, being an example of how implicitly he is trusted.

Of other influential Americans on the Isthmus, Capt. J. E. Beers, superintendent of the La Boca terminals of the Panama Railroad, is a familiar figure. Captain Beers is a retired sea captain, a shrewd and calculating "down Easter," who is so highly thought of that he has recently been elected president of the leading social club in this city.

"Jimmy" Hyatt, whose home is in Hyattsville, Md., has been on the Isthmus for more than fifteen years, and is accounted the most universally popular man in the country. Hyatt lives at Colon, where he is American vice-consul, but he divides his time about equally between Colon, Panama, and

the interior. He owns cocoanut groves, manganese mines, is an extensive trader with the San Blas Indians, and has a most enviable reputation as a prospector, it being a habit of his to take a "cayuca"—a narrow canoe, hollered out of a cedar log—and go cruising along the coast and up and down the rivers for weeks at a time.

Felix Ehrman, the active member of the banking house of Henry Ehrman, is a native of Louisiana, American vice-consul in this city, owner of the leading hotel here, a man of charming personality and progressive ideas. He has lived here for more than a generation, making yearly visits to the States and is an ardent supporter of the righteousness of the revolutionary cause.

J. G. Duque, a native Cuban, but a naturalized American, is the proprietor and editor of the *Star and Herald*, of Panama, the one newspaper of the Isthmus, and the principal owner of the lottery concession, a source from which he draws a revenue of about \$1,800 a week. Duque made an attempt in September to enlist American support for a revolution on the Isthmus by calling upon Secretary Hay. His scheme was an individual one, as he was not in the secret of the separatist conspiracy. Secretary Hay gave him no encouragement, but when the Republic was declared it found no more enthusiastic supporter than Duque. Frederico Boyd, whose blood is a mixture of Irish, Scotch, and Panamanian, and who is one of the members of the governing junta, is a man of great wealth and influence, and one who warmly champions the plan to link the interests of the Isthmus with those of the United States.

These men, one and all, played their parts in setting up the independence of Panama, and they will continue before the people of the new Republic as the strong men of the Isthmus. Their interests here are of a vested nature, and they see in what has been done a certain promise of better conditions for the future. They are men who have learned self-reliance in the school of experience, and while no particular political ambitions have been revealed among them, the new Government knows that it can go to them for support and assistance. Therein lies the surest guaranty of the Republic's future stability, for while Panamanians were the public characters in establishing the new Government, these Americans were the Warwick of the situation, and with characteristic American nerve and ingenuity they are ready to maintain the Republic for which they are principally responsible.

Mr. LODGE. Mr. President—

Mr. FAIRBANKS. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Indiana [Mr. FAIRBANKS].

Mr. LODGE. I was trying to get the attention of the Chair, and I ask that the motion be withdrawn for a single moment.

The PRESIDENT pro tempore. Does the Senator from Indiana withdraw his motion?

Mr. FAIRBANKS. I withdraw the motion for the present.

Mr. LODGE. I simply wish to ask that there may be printed three memoranda which I have received from the State Department. They are copies of memoranda in Jefferson's manuscripts—the memorandum of Mr. Jefferson when Secretary of State, which was made for President Washington but not sent to the Senate, in regard to the appointment of the first ministers abroad; the second in regard to the recognition of the French Republic, and the third as to the provisional army.

They are very interesting memoranda from Mr. Jefferson on the point of recognition and Executive power, which has been under discussion here. I am sure the first has never been printed. I am not sure about the other two, but they are all very apt. I should like to have them printed as part of my remarks, if there be no objection. They are very brief.

The PRESIDENT pro tempore. Does the Senator desire to have them printed as part of the remarks which he has just made?

Mr. LODGE. Yes, following what I have just said.

The PRESIDENT pro tempore. Is there objection. The Chair hears none, and that order will be made.

The memoranda referred to are as follows:

APPOINTMENT OF FIRST MINISTERS, ETC., ABROAD.

[Memorandum of Thomas Jefferson, Secretary of State, made in January, 1792, but not sent to the Senate.]

GENTLEMEN OF THE SENATE: Your House has been pleased to communicate to me their resolutions, purporting a decision by them that it is expedient to * * * from whence an application arises that in their opinion they might have decided that no such appointments were expedient.

After mature consideration and consultation I am of opinion that the Constitution has made the President the sole competent judge to what places circumstances render it expedient that ambassadors or other public ministers should be sent and of what grade they should be; and that it has ascribed to the Senate no executive act but the single one of giving or withholding their consent to the person nominated.

I think it my duty, therefore, to protest, and I do protest against the validity of any resolutions of the Senate asserting or implying any right in that House to exercise any executive authority but the single one before mentioned.

It is scarcely necessary to add that nothing herein is meant to question their right to concur in making treaties, this being considered not as a branch of executive but of legislative powers, placed by the Constitution under peculiar modifications.

RECOGNITION OF FRENCH REVOLUTIONISTS.

[Memorandum of Jefferson, March 12, 1792.]

The President now sends Lear to me to ask what answer he shall give the committee, and particularly whether he shall add to it that "in making the communication it was not his expecta-

tion that the House should give any answer." I told Mr. Lear that I thought the House had a right independently of legislation to express sentiments on other subjects. That when these subjects did not belong to any other branch, they would publish them by their own authority; that in the present case, which respected a foreign nation, the President being the organ of our action with other nations, the House would satisfy their duty if instead of a direct communication they should pass their sentiments through the President; that if expressing a sentiment were really an invasion of executive power, it was so faint a one that it would be difficult to demonstrate it to the public, and to a public partial to the French Revolution and not disposed to consider the approbation of it from any quarter as improper; that the Senate, indeed, had given many indications of their wish to invade the executive power; the Representatives had done it in one instance which was indeed mischievous and alarming—that of giving orders to the heads of the Executive Departments without consulting the President—but that the late vote in directing the Secretary of the Treasury to report ways and means, though carried, was carried by so small a majority and by the aid of Members so notoriously under a local influence on that question as to give the hope that the practice would be arrested and the constitutional course be taken up, of asking the President to have information laid before them; but that in the present instance it was so far from being clearly an invasion of the Executive, and would be so little approved by the general voice, that I could not advise the President to express any dissatisfaction at the vote of the House, and I gave Lear in writing what I thought should be his answer.

RAISING OF PROVISIONAL ARMY WHEN WAR EXPECTED WITH FRANCE.

[Functions of the legislative and executive branches. Memoranda of Jefferson in 1793.]

The Legislature may raise armies, but can not prescribe the purposes for which they shall be used. The army being raised, the Constitution transfers the use of them to the President, which is paramount to any law limiting the use.

The Legislature may erect offices, but they can not restrain the appointment of the officers to any qualification of persons, for this would be to restrain a power given by the Constitution to the President without restraint.

The Constitution authorizes the President to appoint foreign ministers. The Legislature can not refuse giving money for them without breach of a moral obligation.

If a law raises an army for a long term of years, though the Constitution forbids an appropriation for them for more than two years, yet they can not refuse to renew it every two years without breach of a moral obligation.

The Constitution gives the President and Senate a power to make treaties. If in these they give subsidies or money for other purposes, the Legislature can not refuse the money without a breach of moral obligation.

The Constitution leaves the raising of armies to the discretion of Congress. Therefore Congress may leave it to the discretion of the President. (So argued by Ross, Reid, Sedgwick, Stockton, and others in the Senate on the provisional army, and by Otis, Dana, Sewall, Harper, Rutledge, Craik, and others in the debate on the same bill April 24, and by Mr. Pinckney in the debate on the bill for the provisional army, May 10, 1798.)

The Constitution leaves the levying of taxes to the discretion of Congress. Therefore Congress may leave it to the discretion of the President. (Harper, in the same debate.)

The Constitution leaves the power of legislation to Congress. Therefore Congress may leave it to the President. (Necessary consequence from the premises.)

If the President informs Congress that in his opinion there is imminent danger of invasion, Congress is bound to act in conformity to it without examining the grounds of the opinion. (Said by Otis; see Gallatin's speech on the provisional army, May 10, 1798. See Bayard's speech against juries and the superior advantages of a trial by the court. Aurora, August 2.)

EXECUTIVE SESSION.

Mr. FAIRBANKS. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 8, 1904, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 7, 1904.

DISTRICT ATTORNEY.

John J. Sullivan, of Ohio, to be United States attorney for the northern district of Ohio. A reappointment, his term having expired December 18, 1903.

COLLECTOR OF CUSTOMS.

John Bourne, of New York, to be collector of customs for the district of Dunkirk, in the State of New York. (Reappointment.)

PROMOTIONS IN THE NAVY.

Commander Francis H. Delano to be a captain in the Navy from the 11th day of October, 1903, vice Capt. French E. Chadwick, promoted.

Commander Albion V. Wadhams to be a captain in the Navy from the 27th day of December, 1903, vice Capt. John A. Rodgers and additional numbers in grade.

Lieut. Commander York Noel to be a commander in the Navy from the 27th day of December, 1903, vice Commander Albion V. Wadhams, promoted.

Lieut. Ward P. Winchell to be a lieutenant-commander in the Navy from the 27th day of December, 1903, vice Lieut. Commander Isaac S. K. Reeves, promoted.

Lieut. Charles P. Eaton to be a lieutenant-commander in the Navy from the 27th day of December, 1903, vice Lieut. Commander York Noel, promoted.

Lieut. (Junior Grade) Joseph W. Graeme to be a lieutenant in the Navy from the 27th day of December, 1903, vice Lieut. Ward P. Winchell, promoted.

Lieut. (Junior Grade) Albert H. McCarthy to be a lieutenant in the Navy from the 27th day of December, 1903, vice Lieut. Charles P. Eaton, promoted.

Lieut. John M. Ellicott to be a lieutenant-commander in the Navy from the 27th day of December, 1903, vice Lieut. Commander Albion C. Hodgson, promoted.

Lieut. (Junior Grade) Henry N. Jenson to be a lieutenant in the Navy from the 27th day of December, 1903, vice Lieut. John M. Ellicott, promoted.

Capt. Charles O'Neil to be a rear-admiral in the Navy from the 31st day of December, 1903, vice Rear-Admiral George W. Sumner, retired.

Lieut. Charles W. Dyson to be a lieutenant-commander in the Navy from the 31st day of December, 1903, vice Lieut. Commander William G. Cutler, promoted.

Lieut. Harry George to be a lieutenant-commander in the Navy from the 1st day of January, 1904, to fill a vacancy created in that grade by the act of Congress approved March 3, 1903.

Lieut. Frederick L. Chapin to be a lieutenant-commander in the Navy from the 1st day of January, 1904, to fill a vacancy created in that grade by the act of Congress approved March 3, 1903.

Lieut. (Junior Grade) Arthur St. C. Smith to be a lieutenant in the Navy from the 1st day of January, 1904, vice Lieut. Frederick L. Chapin, promoted.

Lieut. (Junior Grade) Willis McDowell to be a lieutenant in the Navy from the 1st day of January, 1904, vice Lieut. Alexander H. Halstead, promoted.

Lieut. (Junior Grade) William C. Watts to be a lieutenant in the Navy from the 1st day of January, 1904, to fill a vacancy created in that grade by the act of Congress approved March 3, 1903.

Lieut. (Junior Grade) Lyman A. Cotten to be a lieutenant in the Navy from the 1st day of January, 1904, to fill a vacancy created in that grade by the act of Congress approved March 3, 1903.

Pay Inspector Hiram E. Drury to be a pay director in the Navy from the 4th day of November, 1903, vice Pay Director Robert P. Lisle, retired.

Asst. Naval Constructor Daniel C. Nutting to be a naval constructor in the Navy from the 1st day of July, 1903, to fill a vacancy existing in that grade on that date.

APPOINTMENTS IN THE NAVY.

Frederick Hosmer Cooke, a citizen of the State of Ohio, to be an assistant civil engineer in the Navy from the 1st day of January, 1904, to fill a vacancy existing in that grade on that date.

Clinton Draper Thurber, a citizen of the State of Pennsylvania, to be an assistant civil engineer in the Navy from the 1st day of January, 1904, to fill a vacancy existing in that grade on that date.

Robert Graham Heiner, a citizen of the District of Columbia, to be an assistant surgeon in the Navy from the 26th day of December, 1903, to fill a vacancy existing in that grade on that date.

Robert Earl Stoops, a citizen of the State of Ohio, to be an assistant surgeon in the Navy from the 26th day of December, 1903, to fill a vacancy existing in that grade on that date.

Harry M. Hepburn, of Iowa, to be a second assistant engineer, with the rank of third lieutenant, in the Revenue-Cutter Service of the United States, to succeed Samuel M. Rock, promoted.

POSTMASTERS.

CALIFORNIA.

Motley H. Flint to be postmaster at Los Angeles, in the county of Los Angeles and State of California, in place of Lewis A. Groff. Incumbent's commission expires January 25, 1904.

James L. Matthews to be postmaster at Corina, in the county of Los Angeles and State of California, in place of Thomas F. Griswold. Incumbent's commission expires January 17, 1904.

IDAHO.

Charles W. Wilson to be postmaster at Sandpoint, in the county of Kootenai and State of Idaho. Office became Presidential January 1, 1903.

ILLINOIS.

Archibald B. Campbell to be postmaster at Tolono, in the county of Champaign and State of Illinois. Office became Presidential January 1, 1904.

William Clemans to be postmaster at Mansfield, in the county of Piatt and State of Illinois. Office became Presidential January 1, 1904.

Lewis J. Farmer to be postmaster at Tamaroa, in the county of Perry and State of Illinois. Office became Presidential January 1, 1904.

Howard E. White to be postmaster at Fairmount, in the county of Vermilion and State of Illinois. Office became Presidential April 1, 1903.

INDIAN TERRITORY.

William R. Casteel to be postmaster at Mounds, in the Creek Nation, Ind. T. Office became Presidential January 1, 1904.

IOWA.

Lars E. Bladine to be postmaster at Marathon, in the county of Buena Vista and State of Iowa, in place of Lars E. Bladine. Incumbent's commission expires January 17, 1904.

Richard M. Boyd to be postmaster at Sanborn, in the county of O'Brien and State of Iowa, in place of Richard M. Boyd. Incumbent's commission expired January 3, 1904.

William D. Junkin to be postmaster at Rock Rapids, in the county of Lyon and State of Iowa, in place of William D. Junkin. Incumbent's commission expires January 17, 1904.

Benjamin F. Keables to be postmaster at Pella, in the county of Marion and State of Iowa, in place of Benjamin F. Keables. Incumbent's commission expires January 17, 1904.

William C. Marsh to be postmaster at Aurelia, in the county of Cherokee and State of Iowa, in place of William C. Marsh. Incumbent's commission expires January 17, 1904.

Frank J. Tishenbanner to be postmaster at Gilmore City, in the county of Pocahontas and State of Iowa. Office became Presidential January 1, 1904.

MAINE.

William B. Brown to be postmaster at Hartland, in the county of Somerset and State of Maine. Office became Presidential January 1, 1904.

George L. Hovey to be postmaster at North Anson, in the county of Somerset and State of Maine. Office became Presidential January 1, 1904.

MASSACHUSETTS.

William H. Sprague to be postmaster at Stoneham, in the county of Middlesex and State of Massachusetts, in place of William H. Sprague. Incumbent's commission expired December 13, 1903.

MICHIGAN.

Henry B. Henderson to be postmaster at Millington, in the county of Tuscola and State of Michigan. Office became Presidential January 1, 1904.

Clarence S. Mills to be postmaster at Stockbridge, in the county of Ingham and State of Michigan. Office became Presidential January 1, 1904.

MINNESOTA.

Justin E. Stiles to be postmaster at Wells, in the county of Faribault and State of Minnesota, in place of Justin E. Stiles. Incumbent's commission expired December 19, 1903.

MISSOURI.

Charles L. Gray to be postmaster at Cartersville, in the county of Jasper and State of Missouri, in place of Charles L. Gray. Incumbent's commission expired December 15, 1903.

NEW HAMPSHIRE.

George L. Stokell, jr., to be postmaster at Exeter, in the county of Rockingham and State of New Hampshire, in place of George N. Julian. Incumbent's commission expired June 14, 1903.

NEW JERSEY.

Lawrence W. Sickler to be postmaster at Glassboro, in the county of Gloucester and State of New Jersey, in place of Lawrence W. Sickler. Incumbent's commission expired December 12, 1903.

NEW YORK.

Augustus De Witt, jr., to be postmaster at Maspeth, in the county of Queens and State of New York. Office became Presidential January 1, 1904.

John Hopkins to be postmaster at Hyde Park, in the county of Dutchess and State of New York. Office became Presidential January 1, 1904.

Edward C. Ripley to be postmaster at Hillburn, in the county of Rockland and State of New York. Office became Presidential January 1, 1904.

NORTH CAROLINA.

John L. Matheson to be postmaster at Wadesboro, in the county of Anson and State of North Carolina, in place of John L. Matheson. Incumbent's commission expired March 4, 1902.

John L. Phelps to be postmaster at Plymouth, in the county of Washington and State of North Carolina, in place of Emily W. Fagan. Incumbent's commission expired December 14, 1903.

OHIO.

John G. Burley to be postmaster at Crooksville, in the county of Perry and State of Ohio. Office became Presidential January 1, 1904.

Warren W. Williams to be postmaster at Jeffersonville, in the county of Fayette and State of Ohio. Office became Presidential January 1, 1904.

PENNSYLVANIA.

Albert A. Atterholt to be postmaster at Rochester, in the county of Beaver and State of Pennsylvania, in place of Albert A. Atterholt. Incumbent's commission expires January 8, 1904.

George H. Cope to be postmaster at Mount Carmel, in the county of Northumberland and State of Pennsylvania, in place of Thomas H. Williams. Incumbent's commission expires January 18, 1904.

SOUTH CAROLINA.

Joshua E. Wilson to be postmaster at Florence, in the county of Florence and State of South Carolina, in place of Joshua E. Wilson. Incumbent's commission expired December 15, 1903.

WISCONSIN.

Henry G. Laun to be postmaster at Wausaukee, in the county of Marinette and State of Wisconsin. Office became Presidential January 1, 1904.

John A. Watson to be postmaster at Kaukauna, in the county of Outagamie and State of Wisconsin, in place of John A. Watson. Incumbent's commission expires January 23, 1904.

WITHDRAWAL.

Executive nomination withdrawn January 7, 1904.

E. J. Krampf to be postmaster at Havana, in the State of Illinois.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 7, 1904.

ASSISTANT SECRETARY OF COMMERCE AND LABOR.

Lawrence O. Murray, of Illinois, to be Assistant Secretary of Commerce and Labor.

CIVIL SERVICE COMMISSIONER.

John C. Black, of Illinois, to be a Civil Service Commissioner.

CONSUL-GENERAL.

Henry D. Saylor, of Pennsylvania, to be consul-general of the United States at Coburg, Germany.

INDIAN AGENT.

Luther S. Kelly, of New York, to be agent for the Indians of the San Carlos Agency, in Arizona.

PROMOTIONS IN THE MARINE-HOSPITAL SERVICE.

Asst. Surg. William C. Billings, of Massachusetts, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

Asst. Surg. John W. Kerr, of Ohio, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

POSTMASTERS.

ALABAMA.

James M. Ragan to be postmaster at Anniston, in the county of Calhoun and State of Alabama.

ARKANSAS.

Owen J. Owen, jr., to be postmaster at Conway, in the county of Faulkner and State of Arkansas.

IOWA.

Frank V. D. Bogert to be postmaster at Paullina, in the county of O'Brien and State of Iowa.

NORTH CAROLINA.

Mary A. Timberlake to be postmaster at Wake Forest, in the county of Wake and State of North Carolina.

NORTH DAKOTA.

Elmer H. Myhra to be postmaster at Wahpeton, in the county of Richland and State of North Dakota.

PENNSYLVANIA.

Robert S. Bowman to be postmaster at Berwick, in the county of Columbia and State of Pennsylvania.

Gustavus C. Schrink to be postmaster at Pottsville, in the county of Schuylkill and State of Pennsylvania.

SOUTH DAKOTA.

David E. Ward to be postmaster at Dell Rapids, in the county of Minnehaha and State of South Dakota.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 7, 1904.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

BOLL WEEVIL.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that the bill which I send to the Clerk's desk, which is a bill to amend an act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904," approved March 3, 1903, which provides that certain monies appropriated in that bill shall be available for use in stamping out the boll-weevil plague in the State of Texas and other States, be taken up for consideration the first thing to-morrow morning, and that the bill and report be printed in the RECORD for the information of the House.

The SPEAKER. The gentleman from Indiana reports a bill from the Committee on Appropriations, and asks unanimous consent that the same be taken up for consideration to-morrow after the reading of the Journal, and that it be printed in the RECORD. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 9160) to amend an act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904," approved March 3, 1903.

Mr. GIBSON. I wish to make an inquiry. I would like to know of the gentleman who reports the bill whether it is intended to interfere with the special order for the consideration of pension bills?

Mr. HEMENWAY. Why, I do not think this bill will take over thirty minutes. It is a very important bill. Of course, I do not desire to take the time for the consideration of pension bills, and this bill will not take very much time.

Mr. GIBSON. If it seems to take up much time, the gentleman will give way with the bill?

Mr. HEMENWAY. I do not think it will take much time.

Mr. MIERS of Indiana. I did not hear the answer of the gentleman.

Mr. HEMENWAY. I do not think it will take more than thirty minutes' time. It is a very important matter to the people of the cotton-growing belt. They are anxious to get the bill through as early as possible.

Mr. MIERS of Indiana. Why not dispose of the special order first? That ought not to take nearly the whole of the day.

Mr. BURLESON. I am sure that this bill ought not to take more than thirty minutes.

Mr. MIERS of Indiana. Might we not, for instance, provide that it occupy the time of the House not to exceed a given time, and then the special order be taken up?

Mr. HEMENWAY. Well, say for one hour.

Mr. MIERS of Indiana. I personally have no objection to make; I do not know what other gentlemen may desire.

Mr. HEMENWAY. I think one hour will be ample time.

Mr. GAINES of Tennessee. I would like to ask the gentleman from Indiana a question.

The SPEAKER. The gentleman from Indiana modifies his request for unanimous consent, and asks that the bill be considered for one hour immediately after the reading of the Journal to-morrow; then, if not completed, the bill to go on the Calendar as unfinished business. Is there objection?

Mr. PAYNE. I would like to ask the gentleman a question. This bill has been reported from what committee?

Mr. HEMENWAY. It is reported from the Committee on Appropriations.

Mr. DALZELL. Why not take up the bill now?

Mr. HEMENWAY. I think that the bill had better be printed and go over until to-morrow, so that Members can inform themselves in relation to the bill.

Mr. GAINES of Tennessee. I would like to ask the gentleman a question. The Agricultural Department is very anxious to have the present law modified so that the soil reports on the examinations which the Department makes of the various soils of the country may be printed as soon as it has them prepared. As the law is, the Secretary of Agriculture has to keep them possibly a whole year and then bind them in a great big book. Thus it is that the soil reports made for Tennessee will be bound with those for the State of Pennsylvania, the State of Washington with the State of Maine, and so forth and so on. It is better to print them in separate bulletins, as the Secretary does with the other matters, so that the farmers can get them quickly and have the use of them, instead of putting them all together in this big book. Does this bill make any provision in that respect?

Mr. HEMENWAY. This has nothing to do with that.

Mr. GAINES of Tennessee. It is a very important matter, and

I want to help the Secretary all I can in securing what he desires in that respect.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none, and it is so ordered.

The bill and report are as follows:

A bill (H. R. 9160) to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904," approved March 3, 1903.

Be it enacted, etc., That so much of the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904," approved March 3, 1903, as relates to the emergency appropriation to enable the Secretary of Agriculture to stamp out and eradicate the foot-and-mouth disease and other contagious diseases of animals, to be used for no other purpose, be, and the same is hereby, amended to read as follows:

"Emergency appropriation: To enable the Secretary of Agriculture to stamp out and eradicate the foot-and-mouth disease and other contagious diseases of animals, and to meet the emergency caused by the ravages of the Mexican cotton-boll weevil and other insects and diseases affecting cotton, and for no other purposes, \$500,000, which sum shall remain available until the close of the fiscal year 1905: *Provided*, That of this sum not to exceed \$250,000 may be expended by the Secretary of Agriculture in such manner as he shall deem best, in cooperation with State experiment stations and practical cotton growers if the Secretary of Agriculture shall deem it advisable, to meet the emergency caused by the ravages of the Mexican cotton-boll weevil and other insects and diseases affecting cotton, and the remainder of the \$500,000 herein appropriated (not less than \$250,000, however) shall be used exclusively to stamp out and eradicate foot-and-mouth disease and other contagious diseases of animals."

The report (by Mr. HEMENWAY) is as follows:

The Committee on Appropriations, to whom was referred House Document No. 262, being a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Agriculture submitting an estimate of appropriation for eradicating the foot-and-mouth disease and other diseases of animals, and to meet the ravages of the Mexican cotton-boll weevil, having considered the same, recommend the favorable consideration of the accompanying bill, drawn in accordance with the recommendation contained in said document, except that it is proposed to make the appropriation in question available until the close of the fiscal year 1905.

The committee submit herewith as a part of their report the accompanying statement made to them by the Committee on Agriculture, namely:

"The Committee on Agriculture gave unanimous endorsement of the necessity for an emergency appropriation for ascertaining means of staying the ravages of the Mexican cotton-boll weevil and other insects, and diseases affecting cotton, and instructed the chairman of the committee and Mr. BURLESON, of Texas, to prepare a report upon the subject for submission to the subcommittee on deficiencies of the Appropriation Committee, for the information of that committee and for the information of the House, which said report is herewith submitted."

[Before subcommittee on deficiencies, Committee on Appropriations, consisting of Messrs. J. A. HEMENWAY, H. C. VAN VOORHIS, E. J. BURKETT, L. F. LIVINGSTON, and O. W. UNDERWOOD.]

The undersigned have been authorized by the unanimous action of the Committee on Agriculture to request that the following item be embodied in the urgent deficiency appropriation bill:

"That so much of the act entitled 'An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904,' approved March 3, 1903, as relates to the emergency appropriation to enable the Secretary of Agriculture to stamp out and eradicate the foot-and-mouth disease and other contagious diseases of animals, to be used for no other purposes, be, and the same is hereby, amended to read as follows:

"Emergency appropriation: To enable the Secretary of Agriculture to stamp out and eradicate the foot-and-mouth disease and other contagious diseases of animals, and to meet the emergency caused by the ravages of the Mexican cotton-boll weevil and other insects and diseases affecting cotton, and for no other purposes, \$500,000, which sum shall remain available until the close of the fiscal year 1905: *Provided*, That of this sum not to exceed \$250,000 may be expended by the Secretary of Agriculture in such manner as he shall deem best in cooperation with State experiment stations and practical cotton growers, if the Secretary of Agriculture shall deem it advisable, to meet the emergency caused by the ravages of the Mexican cotton-boll weevil and other insects and diseases affecting cotton, and the remainder of the \$500,000 herein appropriated (not less than \$250,000, however) shall be used exclusively to stamp out and eradicate foot-and-mouth disease and other contagious diseases of animals."

In support of this request we beg leave to submit for your consideration the following statement, which discloses an emergency condition confronting the cotton producers of Texas, and in truth constitutes a serious menace to the cotton-growing industry in every Southern State. The facts herein stated are based upon reports heretofore made by the Chief of the Division of Entomology, and upon statements made by the Chief of the Bureau of Plant Industry, the Chief of the Division of Entomology, and others, in hearings had before the Committee on Agriculture on this subject:

The Mexican cotton-boll weevil is a tropical insect native to Mexico, Central America, Cuba, and possibly others of the West Indies, and possibly also of the tropical regions of South America. It breeds only on the cotton plant. It damaged cotton plantations in Mexico to such a serious extent that cotton cultivation was abandoned in portions of that country prior to 1890. About 1892 it crossed the Rio Grande River in Cameron County, Tex., and began to destroy the cotton crop in the vicinity of Brownsville, in said county. The Division of Entomology of the Department of Agriculture began investigating the insect in 1894. An expert of the Department was sent to the locality, and his report, published in 1895, was the first account of the life history of the insect and the damage being wrought by it. When it had been carried across the grazing region between Brownsville and Alice, in Nueces County, in cotton taken to the gins, the insect for the first time entered the region of practically continuous cotton cultivation.

In 1895 it had spread as far north as San Antonio, in Bexar County, and as far east as Wharton County. In 1896 it reached the portion of Texas where cotton was very prominent as a crop and invaded Fayette, Washington, Burleson, Lee, Bastrop, and Travis counties. In 1898 favorable climatic conditions increased the territory affected to a great extent. Scientific investigations were conducted by the Division of Entomology during these years from the ordinary appropriations of the Division. Remedial recommendations were made which it was believed would tend to diminish the devastation of the cotton crop by this pest. Congress in the session of 1900-1901 appropriated \$3,500 for an especial study of the insect. In 1902 \$30,000 were appropriated for the same purpose; in 1903, \$30,000. The insect multiplied and spread in spite of all efforts on the part of the Department and of the Texas planters,

and it is now found in about 100 counties in the Texas cotton belt. In 1893 it was damaging the cotton crop in 6 of the extreme southern counties. By 1895 17 additional counties had been invaded. By 1901 30 additional counties were damaged, and in 1903 the weevil was to be found in destructive numbers in 24 additional counties.

Isolated cases of infestation are known to occur at twenty-one different points to the north of the counties included under the year 1903. The work of the Division of Entomology, based upon an exact and extended investigation of the life history and habits of the insect, has proven that it can not be successfully handled by any insecticide application as yet discovered. No practical mechanical means for its destruction have been devised; no efficient parasitic or predatory natural enemies have been found. It is without doubt the most difficult insect to control which exists within the territory of the United States. The Division of Entomology, however, has devised a cultural method, based upon its previous extended investigations of the habits and life history of the insect, which will enable Texas planters to grow cotton, it is confidently believed, without loss, and during 1903 a few demonstration farms were carried on, under the Congressional appropriation, which have indicated a measure of relief.

At large, however, the insect caused a great money loss to the State. Of actual cotton destroyed, the most conservative estimate places the loss during the years 1902 and 1903 at \$30,000,000, while industries dependent upon the cotton industry or connected with it have suffered in corresponding degree. It is surely safe to say that there has been lost \$100,000,000 during the past few years by the direct or indirect influence of this weevil. Except for two isolated colonies which have recently been discovered in Sabine Parish, La., and a colony that was discovered in August, 1903, near New Orleans, the weevil has not been found outside of the State of Texas. Nevertheless, the territory affected by the pest at present includes about 32 per cent of the cotton acreage of the United States. This acreage in 1900 produced about 37 per cent of the total crop of this country, or about one-fourth of the crop of the world for that year. The most serious aspect of the situation lies in the fact that the weevil is constantly spreading, and will undoubtedly eventually be carried all over the cotton belt.

On the same subject the honorable Secretary of Agriculture, in his seventh annual report, submitted on the 28th day of November, 1903, makes the following statements and recommendations:

"CRISIS IN COTTON PRODUCTION."

"The invasion of the cotton-boll weevil has been a special menace to our cotton crop, and has done more than anything else to awaken widespread apprehension as to the future of this most important crop. The boll weevil first appeared in the State of Texas in 1894, and from that time on has been under observation and investigation by the Department through its Division of Entomology. It was not until 1902, however, that this branch of the Department was able to undertake anything like thorough and systematic work in the matter of studying this very destructive enemy of cotton. In 1903 the scope of the work was further enlarged, an appropriation of \$30,000 being made in the Division of Entomology for the investigations. Aside from this work the Bureau of Plant Industry has, during the past year, been carrying on considerable work with a view to securing, if possible, early and resistant varieties by breeding and selection, and has been conducting some more or less general experiments in the matter of crop diversification at special points in Texas. It has also been engaged in distributing a considerable quantity of cotton seed of early maturing and promising sorts."

"The work of the Division of Entomology has shown conclusively the value of good cultural methods, the planting of early maturing varieties, and the destruction of weevil-infested material, this conclusion having been reached only through the careful and detailed studies of the life history and habits of the insect. The demonstration work along these lines which the division carried on the past year has been exceedingly promising, as it has been shown that cotton can be grown in remunerative quantity despite the presence of the weevil. Notwithstanding what has been accomplished by the Department, however, the fact remains that the boll weevil is constantly spreading north and east, and it is probably only a question of time when it will reach all of the cotton-growing States. Thus the country is confronted with a very grave problem, as the invasion of this insect must necessarily mean a complete revolution in present agricultural methods."

"During a recent visit to some of the Southern States considerable time was spent in the weevil-infested district, and from the facts gathered in this way I am convinced that energetic measures must be adopted to meet the present emergency. After thoroughly canvassing the situation with representative men in Congress and with others, I am of the opinion that a cotton-investigation fund be appropriated and set aside for immediate use in connection with this most serious problem. In order to make the work comprehensive and thoroughly effective, I am of the opinion that a sum not less than \$500,000 should be made immediately available for this purpose, the same to be expended under the direction of the Secretary of Agriculture, in such manner as will give the most immediate practical results."

Further in his report the Secretary of Agriculture outlines in detail his plans and discusses the various methods of utilizing to the best advantage the appropriation asked, and concludes his statement on this subject as follows:

"The fund recommended to be set aside for the purposes mentioned, and used in accordance with the plans outlined, will give the Department such liberty of action as the exigencies of the case demand. An industry which brings to the country an annual income of something over \$500,000,000 is threatened, and the time is at hand for energetic action. I again, therefore, most earnestly renew my recommendations for the means and authority to carry out the plans as herein set forth."

"Respectfully submitted."

"JAMES WILSON, Secretary."

"WASHINGTON, D. C., November 28, 1903."

On the convening of Congress the following bills were introduced and referred to the Committee on Agriculture, each bearing on this same subject-matter: H. R. 4477, by Mr. HENRY, of Texas; H. R. 7300, by Mr. SHEPPARD, of Texas; H. R. 7646, by Mr. PUJO, of Louisiana; H. R. 5496, by Mr. BURGESS, of Texas; and H. R. 7304, by Mr. BURLESON, of Texas.

These bills called for appropriations aggregating approximately \$1,000,000. The Committee on Agriculture, after having had hearings on the subject and having given most careful consideration to the recommendations of the Secretary of Agriculture, determined as a substitute for all these bills to ask that the above-stated item be embraced within the urgent deficiency appropriation bill. It is confidently believed that existing law empowers the Secretary of Agriculture with ample authority to act, and that no new legislation is necessary, and consequently this item, as it is worded, is sufficient for his purpose in connection with the effort he will make to ascertain some means of staying the rapid spread and lessening the damages being wrought by this detestable insect pest.

J. W. WADSWORTH.
A. S. BURLESON.

Mr. PAYNE. Unless the gentleman from New Jersey desires to ask unanimous consent, I am ready to make a motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 2300. An act to supplement and amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River, at or near Grays Point, Mo.," approved January 26, 1901.

ENROLLED BILL PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval joint resolution of the following title:

H. J. Res. 64. Joint resolution authorizing the Commissioners of the District of Columbia to permit the erection of certain poles and overhead wires in connection with the work of eliminating grade crossings in the city of Washington.

TO BRIDGE THE NEWARK BAY.

Mr. BENNY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk. The Clerk read as follows:

A bill (H. R. 6805) to amend an act entitled "An act to bridge the Newark Bay," approved February 18, 1895.

Be it enacted, etc., That the act entitled "An act to bridge the Newark Bay," approved February 18, 1895, be, and it is, amended by striking out of said act section 2 thereof, as follows, namely:

"Sec. 2. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the approval of this act."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PARKER. Mr. Speaker, I would ask for some time to look into this matter before allowing it to go on at the present time, and I will be very much obliged if the gentleman would consent to its going over until a later day.

Mr. BENNY. Mr. Speaker, perhaps if the gentleman would listen to one minute's explanation he will not ask that the matter go over.

Mr. PARKER. It is a bridge across Newark Bay?

Mr. BENNY. No; the act of 1895 authorized the counties of Hudson and Union to construct a bridge across the Newark Bay—

Mr. PAYNE. There is so much confusion, or else the gentleman's voice is so weak, we can not hear what he is saying at all.

Mr. BENNY. Perhaps it is a combination of both. The act of February 18, 1895, authorized the counties of Hudson and Union, in New Jersey, to construct a bridge across the Newark Bay, and authorized a bond issue by each county to the extent of \$150,000. That bill had the provision in it that the law would be null and void unless the construction was begun within one year and finished in three years from the date of the approval, February 18, 1895. This present bill simply reestablishes the law, revives it, and authorizes the construction, with a limitation of one year for the commencement of the bridge and three years for the completion from the 18th of February, 1904.

Mr. PARKER. I saw that in the bill as it was read. Newark Bay carries a tremendous commerce of some \$19,000,000 worth per year. It is a feeder of the Passaic River, on which a large amount of improvements are now projected and being carried on. I do not feel willing to consent at the present time to the bringing up of this matter without further information. I do not feel that I am asking anything unreasonable in asking the gentleman if he will consent to its lying over. If he insists upon its coming up at the present time, I should certainly have to object.

Mr. BENNY. I do not. I am quite willing for it to lie over, but will you consent to have it brought up on a certain day? I would like to get this through if I could.

Mr. PAYNE. I do not think this is very important. We can pass a bridge bill at any time.

Mr. BENNY. Very well. Let it lie over.

The SPEAKER. Objection is made.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 12 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French

spoliation cases relating to the brigantine *Nancy*, James Brown, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy, submitting an estimate of appropriation for steam machinery—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the chief of division of Revenue-Cutter Service submitting an estimate of deficiency appropriation for expenses of Revenue-Cutter Service—to the Committee on Appropriations, and ordered to be printed.

A letter from the Commissioners of the District of Columbia, submitting a plan for the future care of delinquent and dependent children in the District of Columbia—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of increases of appropriation for the consular and diplomatic service—to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1832) granting an increase of pension to George W. Herron, reported the same without amendment, accompanied by a report (No. 133); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6932) granting an increase of pension to Harvey R. King, reported the same without amendment, accompanied by a report (No. 134); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1984) granting an increase of pension to Levi Roberts, reported the same without amendment, accompanied by a report (No. 135); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8) granting an increase of pension to Perry Kittredge, reported the same without amendment, accompanied by a report (No. 136); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2078) granting an increase of pension to Hampton C. Watson, reported the same without amendment, accompanied by a report (No. 137); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 367) granting an increase of pension to George W. Richardson, reported the same without amendment, accompanied by a report (No. 138); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4200) granting an increase of pension to Milton H. Sweet, reported the same without amendment, accompanied by a report (No. 139); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5841) for the relief of Abram Wilson, reported the same with amendments, accompanied by a report (No. 140); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1704) granting an increase of pension to Lucretia Ritchhart, reported the same without amendment, accompanied by a report (No. 141); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1985) granting an increase of pension to Jonathan Hites, reported the same without amendment, accompanied by a report (No. 142); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1772) granting an increase of pension to Louise K. Bard, reported the same without amendment, accompanied by a report (No. 143); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7) granting an increase of pension to Alfred Woodman, reported the same without amendment, accompanied by a report (No. 144); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3321) granting an increase of pension to Hannah Riley, reported the same with amendments, accompanied by a report (No. 145); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 958) granting an increase of pension to Alfred H. Rogers, reported the same with amendment, accompanied by a report (No. 146); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 112) granting an increase of pension to Henry G. Hammond, reported the same without amendment, accompanied by a report (No. 147); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 137) granting a pension to Hannah Kelly, reported the same without amendment, accompanied by a report (No. 148); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 339) granting an increase of pension to Ebenezer H. Richardson, reported the same without amendment, accompanied by a report (No. 149); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 65) granting an increase of pension to Charles R. Allen, reported the same without amendment, accompanied by a report (No. 150); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1604) granting an increase of pension to Mary A. Bishop, reported the same without amendment, accompanied by a report (No. 151); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1756) granting an increase of pension to Zebedee M. Cushman, reported the same without amendment, accompanied by a report (No. 152); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1913) granting an increase of pension to Lorenzo E. Harrison, reported the same without amendment, accompanied by a report (No. 153); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 172) granting an increase of pension to Elizabeth McClaren, reported the same without amendment, accompanied by a report (No. 154); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4726) granting an increase of pension to S. B. Brightman, reported the same with amendments, accompanied by a report (No. 155); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2218) granting an increase of pension to Amanda B. Tisdell, reported the same without amendment, accompanied by a report (No. 156); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6830) granting a pension to Charles E. Likes, reported the same with amendments, accompanied by a report (No. 157); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1819) granting an increase of pension to Charles P. Skinner, reported the same without amendment, accompanied by a report (No. 158); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2125) granting an increase of pension to Marcus T. Caswell, reported the same without amendment, accompanied by a report (No. 159); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5719) granting an increase of pension to Forbes Homiston, reported the same with amendments, accompanied by a report (No. 160); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4319) granting an increase of pension to John Sexton, reported the same with amendment, accompanied by a report (No. 161); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 338) granting an increase of pension to Jane M. Watt, reported the same with amendment, accompanied by a report (No. 162); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4115) granting an increase of pension to Joseph S. Young, reported the same with amendments, accompanied by a report (No. 163); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1755) granting an increase of pension to Thomas Banks, reported the same without amendment, accompanied by a report (No. 164); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2108) granting an increase of pension to Henry D. Wright, reported the same with amendments, accompanied by a report (No. 165); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3001) granting an increase of pension to Alpheus Converse, reported the same with amendments, accompanied by a report (No. 166); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1953) granting an increase of pension to John Monahan, reported the same without amendment, accompanied by a report (No. 167); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 468) granting an increase of pension to Henry Christy, reported the same with amendments, accompanied by a report (No. 168); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6) granting a pension to Cora M. Converse, reported the same without amendment, accompanied by a report (No. 169); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 957) granting an increase of pension to Alonzo Carpenter, reported the same with amendment, accompanied by a report (No. 170); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2201) granting an increase of pension to George McDonald, reported the same with amendments, accompanied by a report (No. 171); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 368) granting an increase of pension to Charles M. Wilcox, reported the same without amendment, accompanied by a report (No. 172); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2929) granting an increase of pension to Benjamin F. Gates, reported the same with amendment, accompanied by a report (No. 173); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7370) granting an increase of pension to Andrew Ivory, reported the same with amendments, accompanied by a report (No. 174); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7515) granting a pension to Rebecca A. Mathias, reported the same with amendments, accompanied by a report (No. 175); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6975) granting an increase of pension to George W. Lawson, reported the same with amendment, accompanied by a report (No. 176); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 11) granting a pension to John L. Sullivan, reported the same without amendment, accompanied by a report (No. 177); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7002) granting an increase of pension so James S. Rearden, reported the same with amendment, accompanied by a report (No. 178); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 215) granting a pension to Mary D. Perry, reported the same without amendment, accompanied by a report (No. 179); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1929) granting an increase of pension to George W. Spahr, reported the same without amendment, accompanied by a report (No. 180); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1652) granting an increase of pension to Minerva A. McMillan, reported the same without amendment, accompanied by a report (No. 181); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6071) granting an increase of pension to Abraham C. Null, reported the same without amendment, accompanied by a report (No. 182); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 4594) granting an increase of pension to James Moss—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8823) authorizing the Secretary of War to furnish an artificial leg—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HEMENWAY, from the Committee on Appropriations: A bill (H. R. 9160) to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904," approved March 3, 1903—to the Union Calendar.

By Mr. DAYTON: A bill (H. R. 9161) to amend section 4488 of the Revised Statutes of the United States—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9162) to promote the circulation of reading matter among the blind—to the Committee on the Post-Office and Post-Roads.

By Mr. JENKINS: A bill (H. R. 9163) for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants—to the Committee on the Public Lands.

By Mr. OTJEN: A bill (H. R. 9164) authorizing the Secretary of War to acquire, by purchase, the exclusive rights for the United States to the Isham high-explosive shell and the process for the manufacture of the high explosive thorite—to the Committee on Appropriations.

By Mr. SIMS: A bill (H. R. 9165) for the extension of Albe-marle street—to the Committee on the District of Columbia.

By Mr. COWHERD: A bill (H. R. 9166) to authorize the extension, construction, and operation of the Great Falls and Old Dominion Railroad Company into and within the District of Columbia—to the Committee on the District of Columbia.

By Mr. LACEY: A bill (H. R. 9167) granting authority to the Secretary of the Navy, in his discretion, to restore certain midshipmen to the Naval Academy—to the Committee on Naval Affairs.

By Mr. HOGG: A bill (H. R. 9168) to amend "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, as amended April 1, 1896, and March 2, 1903—to the Committee on Interstate and Foreign Commerce.

By Mr. DAYTON: A bill (H. R. 9180) for the relief of certain State militia—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 9291) to regulate process and proceedings in the circuit courts of the United States—to the Committee on the Judiciary.

By Mr. PEARRE: A resolution (H. Res. 128) to reimburse Mrs. William O. Beckenbaugh for the expenses of the funeral and last illness of William O. Beckenbaugh, late a member of the Capitol police force—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRADLEY: A bill (H. R. 9169) to correct the military record of John Fisher Williams—to the Committee on Military Affairs.

By Mr. BRANDEGEE: A bill (H. R. 9170) granting a pension to Jane E. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9171) granting an increase of pension to Enoch Bolles—to the Committee on Invalid Pensions.

By Mr. BROOKS: A bill (H. R. 9172) granting an increase of pension to James H. Morse—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 9173) granting an increase of pension to Neil Gillespy—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 9174) granting arrears of pension to Jane Stonebreaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9175) to remove the charge of absence without leave from the military record of John Federick—to the Committee on Military Affairs.

Also, a bill (H. R. 9176) to relieve Ludwig Rupprecht of the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 9177) to relieve Eli Shuman from the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 9178) for relief of Capt. Michael Mallow's company West Virginia State Scouts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9179) for the relief of Capt. J. H. Lambert's company West Virginia Volunteer Militia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9181) for the relief of Nancy A. E. Hoffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9182) for the relief of John A. Stuart, alias John Vanderpool, first-class boy in United States Navy on sloop of war *Saratoga*, war with Mexico—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9183) for the relief of Thomas D. Hawker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9184) for the relief of Capt. John Bond's company West Virginia Volunteer Militia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9185) for the relief of Capt. Sampson Snyder's company West Virginia Volunteer Militia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9186) for the relief of Capt. John Bogg's company West Virginia Volunteer Militia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9187) for the relief of Capt. E. C. Harper's company (A), Forty-sixth Regiment West Virginia Volunteer Militia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9188) for the relief of Capt. Isaac Alts's company (B), Forty-sixth Regiment West Virginia Volunteer Militia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9189) for the relief of Lewis Beckman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9190) for the relief of Mary C. Hoffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9191) for the relief of Daniel K. Shields—to the Committee on Military Affairs.

Also, a bill (H. R. 9192) for the relief of William Norris—to the Committee on War Claims.

Also, a bill (H. R. 9193) for the relief of Richard W. Heafer—to the Committee on Pensions.

Also, a bill (H. R. 9194) for the relief of Catharine L. Chaney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9195) for relief of John Edwards, alias John D. Edwards—to the Committee on Military Affairs.

Also, a bill (H. R. 9196) for the relief of Goff A. Hall—to the Committee on War Claims.

Also, a bill (H. R. 9197) for the relief of James Evans—to the Committee on Military Affairs.

Also, a bill (H. R. 9198) removing the charge of desertion from the military record of James W. Johnson—to the Committee on Military Affairs.

Also, a bill (H. R. 9199) to remove the charge of desertion from the naval record of Charles Thompson—to the Committee on Naval Affairs.

Also, a bill (H. R. 9200) to remove the charge of desertion from name of Robert S. Reese—to the Committee on Military Affairs.

Also, a bill (H. R. 9201) removing charge of desertion from name of William M. Raber—to the Committee on Military Affairs.

Also, a bill (H. R. 9202) to remove the charge of desertion from George W. Phillips—to the Committee on Military Affairs.

Also, a bill (H. R. 9203) to remove charge of desertion from John Lyons—to the Committee on Military Affairs.

Also, a bill (H. R. 9204) to remove charge of desertion against name of John Hall—to the Committee on Military Affairs.

Also, a bill (H. R. 9205) granting a pension to Ephraim Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9206) granting a pension to Sallie J. D. Grubb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9207) granting a pension to Edgar Travis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9208) granting a pension to Simon Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9209) granting a pension to Samuel Goodwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9210) granting a pension to Catharine Hey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9211) granting a pension to James Ryan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9212) granting a pension to Charles H. Fincham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9213) granting a pension to John W. Coombs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9214) granting a pension to Arabella Downey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9215) granting a pension to Frances E. Fitzgerald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9216) granting a pension to Sarah J. Pugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9217) granting a pension to George G. Clevenger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9218) granting a pension to Francis M. Cain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9219) granting a pension to Mary Frame—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9220) granting a pension to Martin Hope—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9221) granting a pension to James W. Wentz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9222) granting a pension to Jane Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9223) granting an increase of pension to Isaac H. Rice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9224) granting an increase of pension to James Richard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9225) granting an increase of pension to Robert L. Boseley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9226) granting an increase of pension to Bryson Dunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9227) granting an increase of pension to William Loughridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9228) granting an increase of pension to Mary C. Hanen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9229) granting an increase of pension to Thomas Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9230) granting an increase of pension to Arthur I. Strosnider—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9231) granting an increase of pension to Zebulon M. Burns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9232) granting an increase of pension to Silas H. Mickey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9233) granting an increase of pension to David T. Sipe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9234) granting an increase of pension to James L. T. Sharp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9235) granting an increase of pension to Wesley C. Pryor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9236) granting an increase of pension to Jesse M. Johnson—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 9237) granting a pension to Jesse A. Hines—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9238) granting an increase of pension to Almon Craver—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 9239) granting an increase of pension to John Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9240) granting an increase of pension to Ambrose Lindsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9241) for the relief of James Bookhamer—to the Committee on Claims.

By Mr. GUDGER: A bill (H. R. 9242) to correct the military record of Capt. Enoch Voyles—to the Committee on Military Affairs.

Also, a bill (H. R. 9243) granting a pension to W. K. Dockery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9244) granting a pension to Enoch Voyles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9245) granting a pension to Claude E. Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9246) granting an increase of pension to Jane L. Fagg—to the Committee on Pensions.

Also, a bill (H. R. 9247) for the relief of H. M. Dickson, William T. Mason, the Dickson-Mason Lumber Company, and D. L. Boyd—to the Committee on Claims.

Also, a bill (H. R. 9248) for the relief of the estate of Harry Johnson—to the Committee on War Claims.

Also, a bill (H. R. 9249) for the relief of Harriet C. Livingston—to the Committee on Claims.

Also, a bill (H. R. 9250) for the relief of J. C. Smathers—to the Committee on War Claims.

Also, a bill (H. R. 9251) for relief of Jesse M. Sheppard—to the Committee on Claims.

By Mr. HAY: A bill (H. R. 9252) for the relief of James H. Hottel, of Frederick County, Va.—to the Committee on War Claims.

By Mr. JACKSON of Maryland: A bill (H. R. 9253) granting a pension to William T. Davis—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 9254) for the relief of George J. Miller, of Kittitas County, Wash.—to the Committee on Claims.

By Mr. LIND: A bill (H. R. 9255) granting an increase of pension to Eliza B. Abbott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9256) granting an increase of pension to Enoch Stahler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9257) granting an increase of pension to John Ogden—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 9258) granting an increase of pension to Frank B. Hazleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9259) granting an increase of pension to Lewis P. Berry—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 9260) authorizing the Secretary of State to pay the claim of the "Compagnie Française des Cables Télégraphiques" for compensation on account of expenses incurred in repairing the damage done to its cables and property by the military and naval authorities of the United States in Cuba during the Spanish-American war—to the Committee on War Claims.

Also, a bill (H. R. 9261) for the relief of Gallatly, Hankey & Co.—to the Committee on War Claims.

By Mr. METCALF: A bill (H. R. 9262) granting an increase of pension to Alexander W. Chambers—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 9263) granting a pension to John Salmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9264) granting a pension to Peruetta J. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9265) granting an increase of pension to William H. H. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9266) granting an increase of pension to Thomas Tredway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9267) granting an increase of pension to Lewis Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9268) for the relief of Charles R. Van Trees—to the Committee on Military Affairs.

Also, a bill (H. R. 9269) for the relief of Charles R. Van Trees—to the Committee on Military Affairs.

By Mr. SCUDDER: A bill (H. R. 9270) for the relief of the estate of William Wheeler Hubbell—to the Committee on Claims.

By Mr. SHERMAN: A bill (H. R. 9271) granting an increase of pension to William Dyas—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 9272) granting an increase of pension to Michael McCarty—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 9273) granting an increase of pension to James H. Sackett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9274) granting an increase of pension to Price W. Harvey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9275) granting an increase of pension to John F. Shaffner—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 9276) to authorize the Secretary of War to correct the military record of Henry T. Lloyd—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 9277) for the relief of the State of New Hampshire—to the Committee on Military Affairs.

By Mr. WATSON: A bill (H. R. 9278) granting a pension to Thomas J. Bland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9279) granting a pension to Mary M. Nipp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9280) granting an increase of pension to John M. Hildreth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9281) granting an increase of pension to Harriet J. Sparks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9282) granting an increase of pension to Thomas Gandy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9283) granting an increase of pension to John Newlands—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9284) granting an increase of pension to Martin Ottinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9285) granting an increase of pension to Samuel Grigsby—to the Committee on Invalid Pensions.

By Mr. WEEMS: A bill (H. R. 9286) granting an increase of pension to S. Amanda Mansfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9287) for the relief of John McDonald—to the Committee on Military Affairs.

Also, a bill (H. R. 9288) for the relief of John H. Willis—to the Committee on Military Affairs.

Also, a bill (H. R. 9289) granting a pension to Theodore T. Bruce—to the Committee on Invalid Pensions.

By Mr. CURRIER: a bill (H. R. 9290) granting an increase of pension to Henry Sanborn—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of citizens of Boston of the Jewish faith, praying that Congress remonstrate against treatment of the Jews in Kishineff, in Russia—to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Resolution of the Manufacturers' Association of New York, in favor of the further improvement of the channels of Brooklyn water front—to the Committee on Rivers and Harbors.

By Mr. GUDGER: Papers to accompany claim of Enoch Voyles—to the Committee on War Claims.

By Mr. HEMENWAY: Petition of John K. Highman Post, No. 415, Grand Army of the Republic, of New Harmony, Ind., urging passage of the Hemenway service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Harrow Post, No. 491, Grand Army of the Republic, Mount Vernon, Ind., favoring passage of Hemenway service-pension bill—to the Committee on Invalid Pensions.

Also, petition of William C. Jackson Post, No. 332, Grand Army of the Republic, of Dale, Ind., favoring passage of Hemenway service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of William C. Jackson Post, No. 332, Grand Army of the Republic, of Dale, Ind., favoring passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: Resolutions of Jonathan Casto Post, No. 342, Grand Army of the Republic, Blanchester, Ohio; Walker Jackson Post, No. 713, Grand Army of the Republic, Ripley, Ohio; Jesse Ellis Post, No. 740, Grand Army of the Republic, Batavia, Ohio; E. L. Hughes Post, No. 640, Grand Army of the Republic, Belford, Ohio; Granville Thurston Post, No. 213, Grand Army of the Republic, Lebanon, Ohio; Burkholder Post, No. 115, Grand Army of the Republic, Yellow Springs, Ohio, and Strong Post, No. 118, Grand Army of the Republic, Jamestown, Ohio, favoring passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LORIMER: Papers to accompany bill granting increase of pension to Louis P. Berry—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: Paper to accompany bill granting a pension to John Salmon—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Charles R. Van Trees—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 6650, granting an increase of pension to Eli B. Helm—to the Committee on Invalid Pensions.

By Mr. OTJEN: Resolution of Old Guard Post, No. 211, Grand Army of the Republic, Department of Wisconsin, favoring passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of Watertown (Wis.) Council, No. 247, Commercial Travelers of America, in favor of the passage of bill H. R. 4489, providing for an amendment to the bankruptcy act—to the Committee on the Judiciary.

By Mr. RUPPERT: Resolution of the Manufacturers' Association of New York, urging a continuation of the improvement of the channels in the harbors of the Brooklyn water front—to the Committee on Rivers and Harbors.

Also, papers to accompany House bill granting increase of pension to Joseph Leonard—to the Committee on Invalid Pensions.

By Mr. SNOOK: Papers to accompany bill H. R. 9025, granting a pension to Sara Kyle—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting increase of pension to John F. Shaffner—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting increase of pension to Price W. Harvey—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting increase of pension to James H. Sackett—to the Committee on Invalid Pensions.

Also, resolution of Capper Post, No. 236, Grand Army of the Republic, Department of Ohio, favoring passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. SULZER: Resolution of the executive committee of the Supervisors' Highway Convention at Albany, N. Y., favoring passage of the Brownlow bill, providing for road improvement—to the Committee on Agriculture.

Also, resolution of the Manufacturers' Association of New York, urging further improvement of the channels of the Brooklyn water front—to the Committee on Rivers and Harbors.

SENATE.

FRIDAY, January 8, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

FINDINGS BY THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Carrie Yancy, administratrix of A. W. McCauley, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Jennie E. Haller, administratrix of Samuel M. Haller, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FRENCH SPOILIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel sloop *Venus*, Comfort Bird, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Thomas*, Joseph Sanford, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

NATIONAL ACADEMY OF SCIENCES.

Mr. WETMORE. I present the annual report of the National Academy of Sciences, as required by statute. The same statute provides for the printing of the report, so that no action by the Senate is necessary.

The PRESIDENT pro tempore. The report will be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the legislature of Nebraska, praying for the enactment of legislation to establish the true military status of the First Nebraska Militia; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, State of Nebraska:

I, George W. Marsh, secretary of state of the State of Nebraska, do hereby certify that the within is a full, true, and complete copy of a joint resolution passed by the legislature of the State of Nebraska at its twenty-eighth session, as the same appears of record in my office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Nebraska. Done at Lincoln, this 5th day of January, in